

IND.
345.1
I385
1843-44
Gen.

GENERAL LAWS
OF THE
STATE OF INDIANA,

PASSED AT THE
TWENTY-EIGHTH SESSION

OF THE
GENERAL ASSEMBLY,

BEGUN ON THE FIRST MONDAY IN DECEMBER, A. D. 1843.

BY AUTHORITY.

INDIANAPOLIS:
DOWLING AND COLE, STATE PRINTERS.
1844.

44753.

I/

345.1

I385

1893-1844.

Gen.

GENERAL LAWS.

CHAPTER I.

An act to reduce the tolls on the New Albany and Vincennes Road, and for other purposes.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the* Tolls.

State of Indiana, That from and after the passage of this act the tolls on the New Albany and Vincennes turnpike road shall be as follows, to-wit: For every distance of ten miles, and in proportion thereto, there shall be charged,

For every score of hogs and sheep,	-	-	\$0 05
For every score of cattle,	-	-	10
For every score of horses or mules, led or drove,	-	-	20
For every horse and rider,	-	-	05
For every sled or sleigh, drawn by one horse or ox,	-	-	10
For each additional animal drawing the same,	-	-	02
For each dearborn, sulkey, chase, or buggy drawn by one horse,	-	-	10
For each chariot, coach, coachee, barouche, stage, or other vehicle drawn by two horses,	-	-	12½
For each stage or coach drawn by four horses,	-	-	20
For each cart or wagon loaded and drawn by one horse, mule, ass, or ox,	-	-	10
For each empty cart or wagon drawn by one horse, mule, ass, or ox,	-	-	05
For each empty cart or wagon drawn by two horses, mules, asses, or oxen,	-	-	05
For each loaded cart or wagon drawn by three horses, mules, asses, or oxen,	-	-	17½
For each empty wagon or cart drawn by three horses, oxen, mules, or asses,	-	-	05
For each loaded wagon or cart drawn by five horses, oxen, asses, or mules,	-	-	20

For each empty wagon or cart drawn by five horses, oxen, asses, or mules, - - -	12½
For each loaded wagon or cart drawn by four horses, oxen, asses, or mules, - - -	18½
For each empty wagon or cart drawn by four horses, oxen, asses, or mules, - - -	10
For each loaded wagon or cart drawn by six horses, oxen, asses, or mules, - - -	25
For each empty wagon or cart drawn by six horses, oxen, asses, or mules, - - -	15

And in all cases of animals or vehicles passing upon said road and not specified in the above rates, such vehicles or animals shall be charged for toll at the same rates that are above provided for animals or vehicles the nearest in resemblance thereto, in the reasonable discretion of the person whose duty it shall be to take said toll.

Governor to
appoint super-
intendent.

Term of office,
and compensa-
tion.

Bond.

Oath.

Gate keepers,
and their com-
pensation, &c.

SEC. 2. That the Governor shall appoint some suitable person to act as superintendent on the said road, who shall hold his office for the term of two years from and after his appointment, and who shall receive for his services two dollars per day, for each day he may be necessarily employed; to be paid out of such moneys as may come into his hands from tolls arising from said road, and shall give bond as provided by this act, and shall be governed in all respects by the laws now in force or that may hereafter be in force on that subject.

SEC. 3. That the superintendent appointed under the provisions of this act, shall, before entering upon the duties of his said office, execute a bond payable to the state of Indiana in the penal sum of five thousand dollars, with at least two good freehold securities, conditioned for the faithful discharge of his duties as such superintendent and for the payment of all moneys that may come to his hands by virtue of his said office, to the person or persons authorized by law to receive the same; which bond shall be taken and approved by the clerk of the Orange or Floyd circuit court, and filed by such clerk in his proper office, subject to the order of the Treasurer of state; and such superintendent shall also take an oath before such clerk, to discharge faithfully the duties of his said office according to law.

SEC. 4. It shall be the duty of the superintendent to appoint gate keepers on said road, from time to time, and he shall allow each such gate keeper for his services any sum not exceeding one hundred dollars, to be paid out of the proceeds of said road, and each such gate keeper shall before entering upon his duties as such, take an oath before some justice of the peace of his proper county, faithfully to discharge the duties of a gate keeper on said road,

and shall execute a bond to the superintendent and to his approval, with one or more securities, in double the amount that may be likely to come to his hands as such gate keeper.

SEC. 5. It shall be the duty of the superintendent to visit the several gates on said road at least once each month, and receive the amount of moneys severally received by the gate keepers thereof, and receipt therefor, setting forth the date, amount, and kind of funds.

SEC. 6. It shall be the duty of each gate keeper to pay to the superintendent all moneys collected by him for tolls on said road, and take the said superintendent's receipt therefor, according to the provisions of the preceding section.

SEC. 7. The superintendent shall authorize the gate keepers severally to commute with any person or persons wishing to use said road for tolls upon the same, by the year or quarter, as may best suit the convenience of the public: *Provided, however,* that such gate keepers shall not permit a wagon and six horses to pass the whole length of the road for the term of one year for less than twenty dollars, or a wagon or cart with two horses, mules, oxen, or asses for less than ten dollars per annum, or a buggy, gig, or dearborn drawn by one horse for less than three dollars per annum.

SEC. 8. It shall be the duty of the superintendent to take charge of the road west of Paoli, and to prosecute to completion such contracts that may have been made with the commissioner, and to expend such amounts as may be subscribed for the improvement of said road, and likewise to settle with and examine all the proceedings had by the acting commissioner on said road, and to demand and receive from said commissioner all books, specifications and papers, of every kind, relating to the business of said road and being the property of the state; and also a statement of the amount of scrip issued under the authority vested in him by law as such commissioner, to whom paid, and for what purpose; and to prosecute any suit necessary to be prosecuted against any commissioner or superintendent on said road for moneys collected, or on account of scrip improperly issued, or for any misfeasance or malfeasance by said commissioner or superintendent on said road, in the proper court, and to employ counsel to prosecute the same to final judgment.

SEC. 9. That it shall be the duty of the superintendent on said road to apply the proceeds of the tolls arising on that part of said road from Paoli to New Albany, (after deducting twelve hundred dollars for repairs on said road and the payment of the claims of Jonathan Braxton, as

Superintendent
to visit gates
monthly.

Gate keepers to
make payment
to superintend-
ent.

Superintendent
may commute
for tolls by the
year.

Provided.

Superintendent's
duty as to
the road west
of Paoli.

Proceeds of
road, how dis-
posed of.

provided for in the act entitled "An act to reduce the tolls on the New Albany and Vincennes road, &c." approved January 31st, 1843, and such other claims as may be allowed, not exceeding four hundred dollars more,) to the completion and repairs of said road west of Paoli, as the same is laid out.

Superintendent
to report to
Treasurer of
State annually.

SEC. 10. The superintendent shall report to the Treasurer of state on or before the first Monday in December, in each year, the amount received for tolls, specifying the amount received by the year and by the quarter, also the amount expended in repairs, and the nature and amount of each contract.

Braxton's
claim, &c., to
be paid.

SEC. 11. It shall be the duty of the superintendent to pay Jonathan Braxton the sum of six hundred dollars on or before the 15th day of June, and to pay the debts that have been contracted in repairing and completing said road east of Paoli.

Tickets, &c. to
be given by
gate keepers.

SEC. 12. It shall be the duty of the superintendent to authorize the gate keepers at each end of the road, if deemed expedient, to give tickets to pass the whole length of said road or any part thereof, and to give each person who shall pay for the quarter or year a receipt therefor, and a certificate of the time and privilege.

Kind of funds
received.

SEC. 13. The superintendent in making his annual report to the Treasurer of state shall show the kind of funds received from each gate keeper, and the amount thereof.

Gate keepers to
transmit to
Treasurer of
State quarterly
superintendent's
receipts.

SEC. 14. The several gate keepers at the end of each quarter shall promptly transmit by mail to the Treasurer of state, at his office at Indianapolis, all the receipts given them by the superintendent, in conformity with the provisions of this act.

Treasury notes
receivable for
tolls.

SEC. 15. Treasury notes or scrip issued by this state shall be received in payment of tolls when the person or persons tendering the same will make the change or sum due.

SEC. 16. This act to be in force and have effect from and after its passage.

CHAPTER II.

An Act to organize a new County out of the County of Dearborn, and re-locate the county seat thereof.

[APPROVED JANUARY 4, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first day of March next, all that part of Dearborn county within the following bounds, to-wit: Beginning on the Ohio river on the section line, between fractional sections number twenty-five and thirty-six, in town four, range one west, thence west with said line to the north west corner of section number thirty-two; thence south to the north west corner of section number five, in town three, range one; thence west to the range line between range one and range two; thence south to the line dividing Switzerland and Dearborn counties; thence with said line east to the Ohio river; thence up said river to the place of beginning, shall constitute the county of Ohio.

SEC. 2. That Martin R. Green, of the county of Switzerland, Joseph Bennet, of the county of Franklin, and James Myers, of the county of Ripley, be and they are hereby constituted and appointed commissioners to permanently locate the seat of justice of said county. The commissioners, or a majority of them, shall convene in the town of Rising Sun, in the said county of Ohio, on the second Monday in April next, or as soon thereafter as a majority of them shall agree.

SEC. 3. The sheriff of the county of Dearborn shall notify the commissioners, either in person or in writing, of their appointment as well as the place designated for them to convene. It shall be the duty of said sheriff to give notice to said commissioners at least twenty days before the period appointed for their meeting, and the board doing county business for the said county of Ohio shall allow said sheriff a reasonable compensation for such service, out of any money which may come to the county treasury.

SEC. 4. The said county of Ohio shall, from and after the first day of May next, enjoy all the rights, privileges, and jurisdiction which, to separate and independent counties, do and may properly belong and appertain.

SEC. 5. That the circuit and other courts of said county of Ohio shall be held at Rising Sun until suitable buildings can be erected at the county seat, after which the courts shall be held at the county seat of said county.

Governor to issue writ of election, &c.

SEC. 6. That so soon as the county seat of said county shall be established, it shall be the duty of the Governor, or person exercising the powers of Governor, to issue a writ of election, directed to some person in such new county, whom he shall appoint to act as sheriff until the next general election, and until a sheriff is elected and qualified, requiring him to cause an election to be held at such place or places as he may designate, on such day as he may appoint in his writ of election, for the purpose of electing all such county officers as the county of Dearborn is now entitled to.

Officers of election, how appointed, and their duties.

SEC. 7. The person to whom such writ of election is directed shall have full power, and is hereby required, to appoint the necessary officers of such election, which officers so appointed shall act under the same rules and be subject to the same penalties as are or may be provided by law for regulating general elections in the election of such officers in other counties, and shall make return to such person acting as sheriff, the Wednesday following, at such place in the county as he may have directed.

Notice of election, &c.

SEC. 8. The person to whom the writ of election is directed in said new county, shall give at least ten days' notice of the time and place or places where such election is to be held, and also of the place where such return is to be made, by setting up written notices thereof in three of the most public places in each election district he may establish, or publishing in any newspaper which may be printed in said county, and on the return of the election being made to him and the votes being compared according to law, he shall give to each of the persons elected a certificate of his election and the time he is elected to serve, having due regard to the law; and shall also within ten days thereafter forward to the office of Secretary of State a certificate of the persons elected as associate judges and clerk of the circuit court, and recorder of the county, which persons shall be commissioned and qualified into office in all respects as is provided by the laws and constitution of this state; certified copies of which he shall file in the clerk's office of said new county whenever it shall be established.

Present officers to act, &c.

SEC. 9. All officers falling within the new county shall continue to exercise the duties of their several offices until they are succeeded by others legally qualified to take their place.

Suits not to be affected, &c.

SEC. 10. No suit or action of any kind whatever, commenced in any court of record or before a justice of the peace in the county of Dearborn, shall in any wise be affected by the creation of the new county.

SEC. 11. The counties of Dearborn and Ohio shall continue to elect three representatives, one of which shall reside in the county of Ohio, and two in the county of Dearborn, and both counties shall form a senatorial district.

SEC. 12. The said county of Ohio shall be attached to and form a part of the third judicial circuit, and the courts shall be held on the fourth Monday after the time fixed for holding courts in the county of Dearborn.

SEC. 13. That from and after the first day of April next, the seat of justice of the county of Dearborn shall be, and the same is hereby, removed and permanently located in the town of Lawrenceburgh, in said county of Dearborn.

SEC. 14. That all process, writs, and other proceedings that now are, or hereafter shall be, depending in any court in the county of Dearborn, returnable at the court house in the town of Wilmington, at the time this law shall take effect and be in force, shall be and the same is hereby ordered to be returned to the court house in the said town of Lawrenceburgh, and there tried in all respects as if the same had been made returnable to said court in the first instance.

SEC. 15. That all officers whose duty it shall be to keep their said offices at the seat of justice in said county of Dearborn, shall be, and are hereby, required to remove, and keep their said offices at the town of Lawrenceburgh, on or before the said first day of April next; that from and after the said first day of April, (1844,) all public business, which shall be required by law to be transacted at the seat of justice in said county of Dearborn, shall be performed and transacted at the court house in said town of Lawrenceburgh.

SEC. 16. It shall be the duty of the corporation of the said town of Lawrenceburgh to give bond with good and sufficient security, to be approved of by the county commissioners of said county, or any one of them, in a penalty of any amount he or they may require, not exceeding however, the penalty of ten thousand dollars, payable to the State of Indiana, conditioned that the corporation of said town of Lawrenceburgh shall, within one year from and after the said first day of April, 1844, fit up and repair the court house and jail in said town of Lawrenceburgh, and build a clerk's office, recorder's office, and auditor's office in said town, all of which shall be equal in point of convenience and durability to those already erected and built in the town of Wilmington; and that said corporation will furnish suitable rooms for holding

said offices in said county, at the expense of the same, until said public buildings shall be erected and refitted as aforesaid.

SEC. 17. This act to take effect and be in force from and after its passage.

CHAPTER III.

An Act to organize the counties of Tipton and Richardville.

[APPROVED JANUARY 15, 1844.]

Boundaries of Tipton county. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that country included within the following boundaries, shall form and constitute the county of Tipton, to-wit: Beginning at the north east corner of section thirty-six, in township twenty-three north, range two east; thence east to the north west corner of section thirty-three, in township twenty-three north, range six east; thence south to the line dividing townships twenty and twenty-one; thence west to the line dividing ranges two and three; thence north to the place of beginning.

Boundaries of Richardville county.

SEC. 2. That all that country included within the following boundaries, shall form and constitute the county of Richardville, to-wit: Beginning at the north east corner of section thirty-six, in township twenty-three north, range two east; thence north to the south east corner of section thirteen, in township twenty-three north, range two east; thence west to the line dividing ranges one and two; thence north to the line dividing townships twenty-four and twenty-five; thence east to the north west corner of section four, in township twenty-four, range six east; thence south to the north west corner of section thirty-three, in township twenty-three north, range six east; thence east [west] to the place of beginning.

Commissioners to locate seat of justice of Tipton county.

SEC. 3. David P. Alder, of Grant county, Jesse Carter, of Clinton county, Samuel Cunningham, of Hamilton county, Giles W. Thomas, of Cass county, James Noland, of Madison county, and Lewis D. Adkins, of Miami county, be and they are hereby appointed commissioners for the purpose of fixing the permanent seat of justice in the said county of Tipton, agreeably to the provisions of an act to establish seats of justice in new counties, approved January 14th, 1824; the said commissioners, or a majority

of them, shall meet at the house of Jesse Brown, in said county of Tipton, on the second Monday in May next, or as soon thereafter as a majority of them shall agree upon.

SEC. 4. John Moulder, of Park county, Himelias Men-denhall, of Miami county, John Armstrong, of Carroll county, Oliver Raymond, of Wabash county, and Samuel Colip, of Hamilton county, be and they are hereby appointed commissioners for the purpose of fixing the permanent seat of justice in the said county of Richardville, agreeably to the provisions of an act to establish seats of justice in new counties, approved January 14th, 1824; the said commissioners, or a majority of them, shall meet at the house of John Harrison in said county of Richardville, on the second Monday in May next, or as soon thereafter as a majority of them shall agree upon.

SEC. 5. The said commissioners shall locate the permanent seats of justice of said counties as near the centre thereof as a convenient site can be obtained, taking into consideration the amount proposed to be donated for the public buildings in said counties: *Provided, however*, if the land where said county seats are to be located is not surveyed and a good and sufficient title cannot be obtained, then the said commissioners shall convene for the purposes aforesaid, so soon as such survey is made and a title can be obtained.

SEC. 6. From and after the first day of May next, the said counties of Tipton and Richardville shall enjoy all the rights and jurisdiction which, to separate counties, do or may belong.

SEC. 7. It shall be the duty of the sheriff of Hamilton county to notify the commissioners hereby appointed to locate the seat of justice in the county of Tipton, by writing, of their appointment, and the time and place of their meeting, and the county of Tipton shall make such sheriff a reasonable compensation for his services.

SEC. 8. It shall be the duty of the sheriff of the county of Carroll to notify the commissioners hereby appointed to locate the seat of justice in the county of Richardville, by writing, of their appointment, and the time and place of their meeting, and the county of Richardville shall make such sheriff a reasonable compensation for his services.

SEC. 9. The circuit and other courts of the county of Tipton, shall be held at the house of Jesse Brown, or at any other place where said courts may adjourn to, until suitable accommodations can be had at the seat of justice.

Courts in Richardville.

SEC. 10. The circuit and other courts of the county of Richardville, shall be held at the house of John Harrison, in said county of Richardville, or at any other place where said courts may adjourn to, until suitable accommodations can be had at the seat of justice.

County boards, and their duties

SEC. 11. The boards doing county business in said counties, when elected and qualified, may hold special sessions not exceeding three, the first year after the organization of said counties, and shall make all necessary appointments, and do and perform all other business that might have been necessary to be performed at any regular session, and take all necessary steps to assess and collect the state and county revenue.

County of Tipton attached to 11th judicial circuit, &c.

SEC. 12. The county of Tipton shall be attached to, and form part of the eleventh judicial circuit, for judicial purposes, and shall be attached to the county of Hamilton for representative purposes, and the counties of Hamilton and Boone for senatorial purposes, and to the fifth congressional district.

County of Richardville attached to 11th circuit.

SEC. 13. The county of Richardville shall be attached to and form part of the eleventh judicial circuit for judicial purposes, and shall be attached to the county of Carroll for representative purposes, and to the counties of Carroll and Clinton for senatorial purposes, and to the eighth congressional district.

Times of holding courts.

SEC. 14. The circuit courts in the county of Tipton shall be held on Mondays succeeding the courts of Jay county, and shall continue three days, if the business require it.

SEC. 15. The circuit courts in the county of Richardville shall be held on Thursdays succeeding the courts of Tipton county, and shall continue three days, if the business require it.

Repeal.

SEC. 16. The sixth section of an act approved February 16th, 1839, entitled "An act attaching certain territory to the counties therein named, and for other purposes," be and the same is hereby repealed.

Act as to road tax extended.

SEC. 17. An act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1843, is hereby extended to the county of Tipton.

SEC. 18. This act to be in force from and after its passage.

CHAPTER IV.

An Act to reduce the salaries of Governor of State and other officers.

[APPROVED DECEMBER 14, 1843.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following officers of the government, who may be hereafter elected or appointed, are hereby allowed annually the following salaries, to-wit:

SEC. 2. The Governor, thirteen hundred dollars.

SEC. 3. The Judges of the Supreme Court, thirteen hundred dollars each.

SEC. 4. The President Judges of the Circuit Courts, eight hundred dollars each.

SEC. 5. The Secretary of State, eight hundred dollars.

SEC. 6. The Treasurer of State, one thousand dollars.

SEC. 7. The Auditor of State, one thousand dollars.

SEC. 8. The Agent of State, one thousand dollars and necessary expenses.

SEC. 9. That all laws now in force allowing four hundred dollars clerk hire to the Auditor and Treasurer of State, are hereby repealed.

SEC. 10. That all laws now in force allowing three hundred dollars clerk hire to the Secretary of State, are hereby repealed.

SEC. 11. The members of the General Assembly, shall receive three dollars per day for the first six weeks of their attendance upon the same, including the present session, and one dollar and fifty cents per day for the remaining time that they may continue in session, and three dollars for every twenty-five miles they shall severally travel, on the most usual road, in going to and returning from the General Assembly.

SEC. 12. That the salary of State Librarian be and the same is hereby reduced to two hundred dollars per annum.

SEC. 13. That no salary or compensation shall hereafter be allowed to the Private Secretary to the Governor out of the State Treasury.

SEC. 14. That the Lieutenant Governor, while acting as President of the Senate, shall have three dollars per day for the time he may serve as such during the first six weeks of the General Assembly, and one dollar and fifty cents per day during the residue of the session, and shall be allowed the same mileage as members of the General Assembly.

Commissioner
on W. and E.
canal.

SEC. 15. That the office of Commissioner of the Wabash and Erie Canal east of Lafayette, and the office of Commissioner of the Wabash and Erie Canal west of Lafayette, be and the same are hereby abolished, and that a General Superintendent shall be elected by a joint ballot vote of the present General Assembly, to serve as such for the term of two years, and whose salary shall be one thousand dollars per annum, the one half of which salary shall be paid from the funds of each division of said Wabash and Erie Canal.

Duty of Gen'l.
Superintendent

SEC. 16. That it is made the duty of said General Superintendent to perform, according to the laws now in force, the duties which now devolve on the incumbents of the offices hereby abolished, keeping the accounts and business of the two works in the same separate condition as at present.

Assistants.

SEC. 17. That the General Superintendent is authorized to employ such assistants as are now provided for by law, and as may be found absolutely necessary: *Provided*, that the compensation of any such assistant shall not exceed five hundred dollars per annum.

Probate and
Associate
Judges.

SEC. 18. That the compensation of Probate and Associate Judges who are hereafter elected or appointed, shall be two dollars per day, for each and every day that they shall serve in court as such.

Jurors.

SEC. 19. The Grand and Petit Jurors shall each receive the sum of seventy-five cents per day, for each and every day that they may be necessarily in attendance at their several circuit courts.

Door-keepers.

SEC. 20. That the per diem allowance of Door-keeper of the Senate and House of Representatives shall not exceed the amount provided for by law for members of the General Assembly.

Assessors.

SEC. 21. That the County Assessors and deputy assessors shall each be allowed one dollar and fifty cents for each day that the board doing county business shall be satisfied that they shall have been respectively employed in the discharge of the duties required of them by law.

Secretaries and
clerks of Gen'l.
Assembly.

SEC. 22. That the per diem allowance of the Secretaries of the Senate and the Clerks of the House of Representatives shall not be more than the per diem allowance of members of the General Assembly.

Clerk's fee for
certificate of
naturalization.

SEC. 23. That the Clerks of the Circuit Courts shall hereafter receive but fifty cents for a certificate of naturalization.

SEC. 24. This act to be in force from and after its passage.

CHAPTER V.

An Act fixing the times of holding Circuit Courts in the several counties in the fifth judicial circuit.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the courts in the fifth judicial circuit shall be held as follows: In the county of Hancock, on the third Monday of February and August; in the county of Shelby, on the fourth Monday of February and August; in the county of Bartholomew, on the first Monday in March and September; in the county of Johnson, on the third Monday of March and September; in the county of Hamilton, on the fourth Monday of March and September; in the county of Hendricks, on the second Monday of April and October; in the county of Boone, on the third Monday of April and October; in the county of Marion, on the fourth Monday of April and October. The courts in the county of Marion shall sit three weeks, and in the county of Bartholomew two weeks, and in Hancock, Shelby, Johnson, Hamilton, Hendricks, and Boone one week each, at each term, if the business requires it. Fifth Circuit.

SEC. 2. That all writs, venires, subpoenas, rules, orders of court, recognizances, publications, and all process whatsoever, which may have been issued from any of the circuit courts in said fifth circuit, or by any one of the clerks thereof, since the last terms of said courts, or which may hereafter issue previous to the taking effect of this act and the filing of a printed copy of this act in the clerk's office of the several circuit courts, shall be deemed and taken, and are hereby made returnable on the first day of the terms of the said several circuit courts to be holden as provided by this act. Writs, &c.

SEC. 3. That all præcipes, declarations, bills, pleas, and answers, which may be on file in any of the clerk's offices in said circuit at the time of filing a copy of this act in said office, which are or may be entitled of any term different from that fixed by this act, shall be deemed and taken and are hereby declared to be entitled of the next term of said courts as fixed by this act. Præcipes, &c.

SEC. 4. That all parties to suits pending in any of said circuit courts, grand and petit jurors, and witnesses, that have been notified or summoned to be and appear at any circuit court in said fifth circuit on any particular day of the term, as provided by the law in force, previous to the taking effect of this act, are hereby required to take Parties, &c., to take notice of this act.

notice of this act, and to be and appear at said courts on the days required and at the terms as fixed by this act.

Public act.

SEC. 5. That this act is declared a public act, and all officers of said courts are required to take notice of its provisions, and the Secretary of State is hereby required, as soon as may be, to forward a printed copy of this act to the clerks of the several circuit courts in said circuit.

SEC. 6. That this act shall be published in the Daily Indiana Journal and Daily State Sentinel, and shall take effect and be in force from and after its passage.

CHAPTER VI.

An Act fixing the time of holding the courts in the ninth judicial circuit.

[APPROVED JANUARY 13, 1844.]

Ninth Circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts within and for the several counties composing the ninth judicial circuit of this state, shall hereafter be commenced and holden at the times following, viz: In the county of Lake, on the Thursdays preceding the first Mondays in March and September; in the county of Porter, on the first Mondays in March and September; in the county of Laporte, on the second Mondays of March and September; in the county of St. Joseph, on the fourth Mondays of March and September; in the county of Marshall, on the second Monday succeeding the times fixed for holding the courts in the county of St. Joseph; in the county of Kosciusko, on the Mondays succeeding the courts in the county of Marshall; in the county of Elkhart, on the Mondays succeeding the courts in the county of Kosciusko. The said circuit court shall sit in said county of Lake three days; in each of said counties of Porter, Marshall, and Kosciusko, six days; and in each of the said counties of Laporte, St. Joseph, and Elkhart, twelve days, if the business in said counties shall severally require such time.

Writs, &c.

SEC. 2. That all writs, subpoenas, venires, rules, orders of court, recognizances, publications, and all process whatever, which may have issued or emanated from any circuit court in said circuit since the last session thereof or which may hereafter issue previous to the taking effect of this act, shall be deemed and taken to be, and are hereby made returnable to the first day of the first term of said

several circuit courts to be holden by virtue of this act; and all suits, actions, and other proceedings now pending or which hereafter may be pending, shall be taken up and acted upon at the time such court shall be holden under or by virtue of this act, and be disposed of in the same manner as if no alteration had been made in the time of holding such courts.

SEC. 3. It shall be lawful for the judges of any circuit court in said circuit, if they shall deem it expedient, to hold special sessions of said circuit courts for the transaction of chancery business, and the said judges may at any regular term of any of said courts appoint the time or times for holding such special term or terms; which time so appointed they shall cause to be entered of record in said court; and all business, orders, or decrees done or transacted at such special term shall have the same binding force and effect upon the parties and privies thereto, as if the same had been done and performed at a regular term of said court: *Provided*, that no original process shall be made returnable to such special term, nor shall any orders or decrees, *pro confesso*, be made or passed at such special term, unless the defendant or defendants shall have previously, at some regular term, appeared to such action, and in case of such previous appearance and default at such special term, it shall be discretionary with the judges of such court whether they will consider or act in such case or not.

SEC. 4. This act shall be in force from and after its passage and publication in the Indiana State Sentinel and State Journal; and it is hereby made the duty of the Secretary of State to immediately forward to each of the clerks of said circuit courts a certified copy thereof.

CHAPTER VII.

An act to amend an act entitled "An act to organize the militia of Indiana," approved February 10, 1831; and to revise and amend the laws authorizing the formation of companies of independent militia by voluntary enlistment.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the citizens liable to do duty or be enrolled in the militia of this state, be and they are hereby authorized to form and organize, by voluntary enlistment, companies.

independent companies of cavalry, artillery, light infantry, grenadiers or riflemen, in such manner and at such time as they may think proper, each company to consist of not less than thirty-two rank and file.

May proceed to
elect officers.

SEC. 2. When any volunteer company shall be raised as aforesaid, the members thereof shall proceed, at such time and place as a majority of them may designate, to the election of officers for such company.

Clerk, and his
duty.

SEC. 3. Before proceeding to such election there shall be elected, by a majority of the members present, of any such company, a clerk, who shall act as clerk of such elections, and keep an accurate account thereof, and of the doings of the company generally, and return the names of the persons elected as officers of the company, to the commander in chief; and such company, when organized, shall wear on parade such uniform as may be agreed upon by a majority of the company.

Uniform.

Further duty
of clerk.

SEC. 4. It shall be the duty of the clerk of each company to keep correct rolls of all the members of said company, and correct the same from time to time, as circumstances may require, and to note all delinquencies of said members, either in attendance at the regular meetings of said company, or in the arms and equipments, or the uniform, required by law; and all delinquencies of the members of the company shall by the clerk be reported to its next subsequent meeting, and be dealt with according to law.

Length of ser-
vice.

SEC. 5. Every member enrolled in a volunteer company shall, if he remains a citizen of the county in which such company exists, be liable to perform duty therein six years, unless sooner discharged, or relieved therefrom by a vote of the company at some regular parade; and shall be subject to such fines and penalties for non-attendance or other delinquency as the law may require, or as may, from time to time, be provided by the by-laws and regulations of said company, not inconsistent with the laws and constitution of this state.

Independent
militia.

SEC. 6. The volunteer companies raised under the provisions of this act, shall be denominated the independent militia, and shall be subject to the performance of the same duty, and to the same rules and orders, not inconsistent with the provisions of this act, as the other, which

District militia

shall be denominated the district militia, and in addition thereto may be ordered out for training and exercise, by their respective commandants, any number of days in each year on which a majority of the company may agree, at such place as said majority shall determine, in addition to the annual company muster, as required by

Days of train-
ing, &c., to be
fixed by com-
pany.

the act to which this is an amendment, on the second Saturday in April in each year.

SEC. 7. No fines shall be assessed or collected or duties ^{Fines, &c.} be required except as in this act provided.

SEC. 8. Whenever in any county there shall have been ^{Battalions, &c.} three or more companies of independent militia formed ^{when to be} under this act, they shall proceed to form themselves into ^{formed.} battalions and regiments as follows: each battalion shall consist of not less than three nor more than five companies, and each regiment of two battalions.

SEC. 9. The commissioned officers of each company ^{Officers, how} shall be elected by a majority of the members present at ^{elected.} any election; and the non-commissioned officers of such company, excepting clerk and treasurer, shall be nominated by the company and appointed by the captain thereof, at the April muster annually. At the same time the clerk and a treasurer shall be elected by a majority of the members present, who shall both, before any person authorized to administer oaths, take an oath faithfully and impartially to discharge their duties as such.

SEC. 10. At all company elections there shall be elect- ^{Judges of elec-} ed, by a majority of the members present, three judges of ^{tion.} election, and, in the absence of the clerk, also a clerk of election; and in case of such absence, one of the judges so chosen, may administer to the other judges and clerk, and one of the other judges to him, an oath or affirmation faithfully and impartially to discharge their respective duties as such; which oath the regular clerk of the company, when present, shall administer. The judges shall then proceed to receive the ballots, between the hours of ten o'clock, A. M. and six o'clock, P. M. on the day of election; and the clerk shall write the name of each voter in a poll book prepared for that purpose, and at the close of the election the judges and clerk shall count the ballots, and declare the person or persons having the highest number of votes duly elected.

SEC. 11. All elections shall be certified by the judges ^{Certificates} thereof, and attested by the clerk. The certificate of ^{made and} election for company and regimental officers, (excepting ^{transmitted to} non-commissioned officers,) shall be transmitted to the ^{adj't. general.} office of the adjutant general, who shall lay the same before the governor, who shall issue commissions accordingly. Judges of elections of company officers shall specify in the return of such election the description of the company for which such officer may be elected; the go- ^{Commissions,} vernor through the adjutant general shall transmit com- ^{how transmit-} missions directly to the officers elected. ^{ted.}

Notice for
electing lieutenant
colonel, &c.,
when and how
given.

SEC. 12. Whenever in any county there shall have been organized the requisite number of companies to form a battalion, the oldest captain in such county shall notify the other captains in writing, stating a time and place to meet for the purpose of electing a lieutenant colonel and major, whose duty it shall be to post up written notices in three of the most public places in each of their respective company bounds, directing the officers and privates of said companies to meet at the time and place specified, for the purpose of electing said officers, which notice shall be given at least ten days previous to the day of election; and whenever in any county there is the requisite number of companies to form a regiment, the lieutenant colonel shall give notice in writing to all the captains in the county, directing them to notify the officers and privates of their respective companies, (as provided for the election of lieutenant colonel and major,) to meet at a time and place to be specified by said lieutenant colonel, for the purpose of electing a colonel commandant to said regiment, who when so elected and commissioned shall appoint the requisite staff officers to said regiment.

Rank.

SEC. 13. All commissioned officers shall take rank agreeably to the date of their commissions respectively, and when two or more commissions of company officers in the same battalion or regiment are of the same date and grade, the rank shall be determined by lot whenever said officers are assembled at a battalion or regimental election or muster, in the presence of such officers as are in attendance.

Roll to be laid
before the gov-
ernor.

SEC. 14. The commandants of companies shall annually lay before the governor, through the adjutant general, on or before the first Monday of May in each year, a correct abstract of the roll of the clerk, as made out and corrected at the annual April company muster, showing the number of the members of the company, the condition of their arms and equipments, and such other matters as may properly pertain to an accurate statement of the condition of the company.

Vacancy in of-
fice of lieutenant
colonel, &c.,
how filled.

SEC. 15. When the offices of colonel, lieutenant colonel or major shall become vacant, it shall be the duty of the governor, on being informed thereof, to notify the officer highest in rank within the bounds of such regiment or battalion of such vacancy, who shall immediately proceed to cause such vacancy to be filled according to the provisions of the 12th section in this act made and provided.

Judges and
clerk of elec-
tions, and their
duty.

SEC. 16. When the electors as aforesaid meet, judges of election and a clerk shall be chosen and sworn, receive the ballots between ten o'clock, A. M. and six o'clock, P. M., write the names of the voters in a poll book, and

at the close of the election count the votes and proclaim the result, in the same manner as in the case of company elections, and also make out a statement of the votes given, which statement shall be certified by the judges of the election and attested by the clerk, which certificate of election shall be transmitted to the governor, and commissions by him given and forwarded in the same manner as is herein provided in cases of elections of company officers; the poll books of all regimental and battalion elections, and other papers pertaining thereto, shall by the clerk of election be deposited with the adjutant of the regiment, or if there be none, with the clerk of the county.

SEC. 17. Nothing in this act shall be so construed as in any manner to conflict with or change the existing laws for the formation of brigades and divisions of the district militia, excepting so far as said laws may come in conflict with the express provisions of this act. Construction
of act as to
brigades, &c.

SEC. 18. All contests of the election of any commissioned company officer shall be determined by a board composed of the company officers of his own grade belonging to the regiment, or if no regiment, to the battalion to which he belongs; and the person or persons contesting such election shall give notice to the officer of that grade oldest in commission in the regiment or battalion, as the case as aforesaid may be, of his intention to contest such election, stating in such notice the points on which he relies for such contest, and the officer so notified shall, at such time and place as he may appoint, not exceeding thirty days from the day such notice is given, convene the board, who shall hear and determine such contest agreeably to the provisions of the thirty-sixth section of this act. And any person wishing to contest the election of any field officer may give ten days' notice to the several captains of companies forming the regiment, or if there be no regiment, then of the companies forming the battalion, to which such officer, whose election is contested, may belong, to convene at the county seat of the proper county, to hear the evidence to be submitted in the case of such contest; also, giving the person whose election is to be contested ten days' notice of the time of hearing such evidence, and submitting to him all the points and matters relied upon for contesting his election; which commandants of companies when so convened shall constitute a board to hear all the evidence so to be submitted, which evidence shall, by a clerk appointed for that purpose by said board, be written down in full, which evidence when so made out, shall by said board be sealed up and forwarded to the governor, who shall decide there- Contest of
election.

on, and notify the president of said board who shall be the captain oldest in commission, and who shall forthwith inform the parties to said contest of the decision of the governor; and a commission shall be forwarded or new election ordered, as by the governor shall be determined in the premises.

Annual return
of strength to
be made.

SEC. 19. Commandants of companies shall, at the company musters in April in each year, make out a return of the strength of their respective companies, and after having copied the same into a book to be kept for that purpose, shall deliver the same to the commandants of their respective regiments, or battalions if there be no regiment in the county, on or before the first day of May, and commandants of regiments or battalions, as the case may be, shall make return of their respective regiments or battalions to the governor, through the adjutant general, on or before the first day of June, annually.

Arms to be
furnished.

SEC. 20. Whenever the governor is duly notified of the complete organization of any company, under the provisions of this act, by the commandant thereof, and of the kind of arms and equipments adapted to said company, it shall be his duty forthwith to direct the quarter-master general to cause such number and kind of arms and equipments as may be required by said company to be delivered to the commandant of said company, causing the officer to whom the same may be delivered to acknowledge the receipt thereof.

Provisions of
former act, &c.

SEC. 21. In the organization of the independent militia under the provisions of this act into brigades and divisions, they shall be subject to the provisions of the act to which this is an amendment, so far as the same does not conflict with the provisions of this act. All regiments and companies shall be numbered in the order of the date of the commissions of their respective commandants, or of their rank.

Corporate
name.

SEC. 22. Each company organized under the provisions of this act may adopt a name, and by such name shall be constituted a body corporate and politic, and may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity, in reference to all the rights and interests thereof; and may from time to time adopt such by-laws as may be deemed necessary for their proper organization and government.

Officers of inde-
pendent militia

SEC. 23. The officers of each company of independent militia, organized under the provisions of this act, shall consist of one captain, one lieutenant, or at their option when a majority of such company agree thereto, a first, second, and third lieutenant, or any of them, and one ensign.

SEC. 24. Commandants of companies shall not be required to make returns, as in the nineteenth section of this act specified, excepting in cases where battalions or regiments to which such companies belong are organized. Company re-
turns, when
made.

SEC. 25. Whenever a vacancy of a commissioned company officer occurs, the officer highest in command in such company, shall forthwith notify the governor thereof, who shall thereupon issue an order to the officer who shall have so notified him, directing such officer to notify his company to proceed to an election to fill such vacancy, in the manner provided in the second section of this act, for the election of officers. Notice of va-
cancy to be
given to Gov-
ernor.

SEC. 26. Each company of independent militia, organized under the provisions of this act may, by their by-laws, determine and define all delinquencies and breaches of duty of its members, and fix and determine all fines and forfeitures for such delinquency and breaches of duty, and provide for the assessment and collection of such fines, in all cases whatsoever, and in such manner as they may see fit; and such by-laws shall have the force and effect of law, to all intents and purposes, any law of this state now in force to the contrary notwithstanding. By-laws.

SEC. 27. All necessary suits may be instituted by said company against its own members, or other person or persons, bodies corporate or politic, and may be brought in its corporate name, for the collection of fines and forfeitures, and for the enforcement of any other of its legal rights, before any court having competent jurisdiction of the subject matter. Suits, how
brought.

SEC. 28. All fines and forfeitures, and other moneys belonging to such company, shall be disposed of in such manner as a majority of such company shall determine, for the use and benefit thereof. Fines, how
disposed of.

SEC. 29. That to enable such company to carry into effect the provisions of this act, they are hereby authorized and empowered to organize within themselves such courts as may be necessary to take cognizance of all delinquencies, contempt, and disobedience of orders, and unsoldierlike conduct on the part of any member of said company. Courts may be
organized.

SEC. 30. That as soon as may be convenient after a regiment has been formed in any county of this state, and a colonel elected, as provided by this act, it shall be the duty of such colonel to call together, at a place to be designated by him, the field and staff officers of his regiment; and the said officers, when so convened, shall prescribe their own uniform, make by-laws for the government of the regiment, prescribing the number of drills and parades Colonel to con-
vene field offi-
cers to adopt
by-laws, &c.

and all other matters necessary to effect a complete organization of the regiment, not inconsistent with the laws of the land.

By-laws to be submitted to companies.

SEC. 31. Immediately after said officers shall have drawn up the by-laws, as in the foregoing section provided, it shall be the duty of the colonel to submit the same to the several companies composing his regiment, by placing a copy thereof in the hands of the commanding officer of each company, for their approval, and when the same shall be approved by two thirds of the companies composing said regiment, the same shall be binding upon them all.

Colonel to call together companies for drill.

SEC. 32. The colonel of such regiment, or, in case of his absence or vacancy of the office, the next officer in command, is hereby empowered to call together the companies of his regiment for drill or parade, at such times as may be fixed by the by-laws of the regiment, or at any other time when requested so to do by two thirds of the companies composing such regiment.

Provisions of three preceding sections, how applied.

SEC. 33. All the provisions of the thirtieth, thirty-first, and thirty-second sections of this act shall be applied to the formation and organization of battalions in such counties as shall have organized companies enough to form a battalion, and not a regiment, so far as the same are applicable, and the necessary orders for that purpose shall be in like manner given by the commandant of such battalions. Regimental and battalion officers shall be elected by a majority of all the members of the companies present.

This act to apply to all independent companies.

SEC. 34. All independent companies of militia now or hereafter to be organized, shall be governed by, and subject to the provisions of this act.

Notice in case of contest.

SEC. 35. In contesting the election of company officers the person contesting such election shall, at the time he gives notice for the formation of a board for that purpose, as in the eighteenth section of this act provided, also in like manner notify the person or persons whose election he intends to contest, expressing the points on which he intends to rely, in writing; which notices shall be given within ten days, after the election so to be contested; and the officer to whom such notice shall be given, shall give the parties to such contest ten days' notice of the time and place such board will convene, and the decision of such board shall be final.

Further rules in case of contest.

SEC. 36. In all cases of contested election of company officers, in counties where there are not a sufficient number of officers of the same grade to form a board of at least three, the person contesting shall notify the person whose election is to be contested, as in the thirty-fifth

section of this act provided, and shall also give notice to the president of the board or court of assessment of the company, of his intention to contest such election, in the manner in said section provided for giving like notices; and such president shall notify such board to convene, and shall also give the parties to such contest ten days' notice of the time and place such board will convene, and the said board when so convened shall hear all the evidence so to be submitted to them, which evidence shall be written down by said board, and by them be sealed up and forwarded to the governor, who shall decide thereon, and notify the president of said board, who shall inform the parties to said contest of the decision of the governor, and a commission shall be forwarded or new election ordered, as by the governor shall be determined in the premises.

SEC. 37. Every officer commissioned shall, within twenty days after receiving his commission, and previous to entering on the discharge of his duties, before any person authorized to administer oaths, take an oath to support the constitution of the United States and of this State, and that he will faithfully discharge the duties of such office; a certificate of which oath shall be endorsed on the commission by the person administering the same; and if any person receiving a commission shall fail to take the oath aforesaid, within the time above provided, he shall be considered as refusing the office, and the same shall be filled as in other cases.

Officers to take oath, &c.

SEC. 38. *Be it further enacted*, That it shall be the duty of the quarter-master general to take from the commandants of companies bonds with good and sufficient surety for the safe keeping and return of all arms and equipments which may hereafter be distributed to volunteer or militia companies, in an amount double the cost of the arms so distributed; and that said bonds shall be made payable to the State of Indiana, for the use and benefit of the same, and recoverable as other bonds of like amount are by law recoverable, but without stay of execution.

Qr. master general to take bond for arms hereafter to be delivered.

SEC. 39. It shall further be the duty of the quarter-master general to require from the commanding officer of every company to which public arms have heretofore been assigned, bonds in like manner, to be executed for their safe keeping and return; and in case of refusal to execute such bond, the quarter-master general shall cause such arms to be forthwith surrendered and returned to the armory at the seat of government.

Bonds for arms heretofore delivered.

Officer when released.

SEC. 40. Any officer having given bond shall be released on his successor entering into office and giving bond, until which time he shall have the control of the arms and accoutrements.

Commandants of companies to inspect arms and make returns.

SEC. 41. It shall be the duty of the commanding officer of every company to which arms have been, or hereafter may be assigned, to carefully inspect and make semi-annual returns to the quarter-master general, of the arms and accoutrements in the possession of his company; and on failure of any commanding officer to make such return the quarter-master general may, if he deem it expedient, order the arms of the company under the command of the delinquent officer to be surrendered and forwarded to the public armory.

Military stores not assigned to the militia to be transmitted to seat of government.

SEC. 42. It shall be the duty of the quarter-master general to cause to be transported to the seat of government, and there deposited in some safe building, all the military stores which now are, or hereafter may be in the possession of the State, (except such as have been assigned to the militia,) that they may be under his immediate supervision; and he is hereby authorized to procure a building, at a rent to be approved of by the governor and adjutant general, to be used as a public armory.

Rank.

SEC. 43. The quarter-master general shall hold the rank of brigadier general; he shall be entitled to the sum of one hundred dollars annually as a compensation for all his services as quarter-master general.

Repeal.

SEC. 44. The act approved February 11th, 1843, entitled "an act to amend an act entitled an act to organize the militia of the State of Indiana," approved February 10th, 1831, approved January 31st, 1842; and all other laws and parts of laws coming within the purview of this act is and are hereby repealed.

SEC. 45. This act to be in force from and after its passage.

CHAPTER VIII.

An Act to regulate the practice of law in the Allen Circuit Court, and for other purposes.

[APPROVED JANUARY 15, 1844.]

Three terms annually.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be hereafter three terms of the Allen circuit court in each year, commen-

cing on the second Mondays of February, July, and October; each term to continue three weeks, if the business thereof requires it.

SEC. 2. The first term after the service of process in every common law and chancery cause shall be an appearance term, at which the parties shall be required to appear on the first call of the docket, if the process shall have been served ten days, or publication made sixty days before the first day of the term, and upon the appearance of the parties rules shall be taken to expire on the next succeeding rule day.

SEC. 3. If the writ issues before the declaration is filed, the plaintiff shall file his declaration on or before the first calling of the cause, or on failure the suit shall be for that cause dismissed.

SEC. 4. If the plaintiff or complainant fails to appear on the first calling of the cause, he shall be non-suited; and if the defendant fails to appear as aforesaid, judgment shall be rendered against him by default: *Provided*, the declaration has been filed ten days before the first day of the term.

SEC. 5. The second Monday in each month shall be a Rule day, on which the clerk shall attend in his office (except in term time,) and enter rules in a book to be kept for that purpose, which rules shall expire by the next rule day.

SEC. 6. In case either party shall fail to comply with any rule on or before the proper rule day, the clerk shall note such failure on the rule book, and judgment shall be thereupon rendered against the party in default, unless the court, for good cause shown and an affidavit of merits, shall set such default aside, in which case the party in default shall be required to comply with such rule instantly, and the opposite party shall be entitled to a trial at that term, as in other cases.

SEC. 7. All causes shall be docketed for the first day of the term, in the following manner: 1st, the state cases; 2d, all common law and appeal cases, and 3d, chancery cases; all in the order in which they are filed in the clerk's office.

SEC. 8. Upon the first call of the docket, the parties shall, in every case continued from the last term, when a jury trial may be demanded, elect whether the same shall be tried by the court or a jury, and the court shall designate each case accordingly; and when such election has been made, the parties shall abide by the same during that term, unless for good cause shown arising subsequent to such election.

Order of trials. SEC. 9. The first week in each term shall be devoted, 1st, to the trials of issues in law and closing issues in all cases which have been continued from the last term; 2d, chancery cases, and 3d, such other cases as are to be tried by the court in the order in which they respectively stand on the docket.

Petit jury. SEC. 10. The petit jury shall be empannelled on the second Monday of each term, and shall be required to attend until discharged by the court.

Jury trials to have preference, &c. SEC. 11. From the beginning of the second week until the jury are discharged, jury trials shall have the preference over all other business in the order in which they stand on the docket, and when a case is called for trial, the same shall be forthwith tried, dismissed, or continued until the next term, if the parties agree thereto, or if either can show good cause upon affidavit for such continuance.

Trial of state cases. SEC. 12. The first three days of the second week, (if required,) shall be devoted to the trial of state cases, during which time they shall have the preference over all other business, but not afterwards, except in cases where the defendants are in prison.

Grand jury. SEC. 13. The grand jury shall be empannelled on the first day of each term, and may continue in session for three days, but no longer, unless by special leave of the court, when business of importance may require a longer time.

Farmers exempt from serving as jurors at July term. SEC. 14. At the July term in each year, no person who may be at the time actually engaged in farming, shall be required to serve as a juror against his consent; and all deficiencies in either panel shall be supplied from the bystanders.

Docket fee. SEC. 15. In all civil actions where the title to land comes in question, and in chancery causes, a docket fee of five dollars, and in all other civil actions a docket fee of two dollars and fifty cents shall be taxed with the costs in favor of the party gaining the suit.

Judgment for costs on withdrawal of demurrer. SEC. 16. No party shall be permitted to withdraw a demurrer or joinder, or confess a demurrer and amend his pleadings, except upon paying or confessing a judgment for all the costs occasioned by such demurrer, together with a docket fee of two dollars and fifty cents, to be taxed with such costs.

When to take effect. SEC. 17. This act to be in force from and after the first day of April next, the second Monday of which shall be a rule day, and rules may be entered at the next February term to expire on that rule day.

CHAPTER IX.

An Act relative to practice in Circuit Courts.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in any action of trespass, *quare clausum fregit*, or other local action, it being made to appear by the affidavit of any plaintiff therein, his agent, or attorney, that any defendant therein resides or may be found in any county of this state other than that where such action may have been commenced, it shall be the duty of the clerk of the court wherein such suit may have been instituted to issue process therein to the sheriff of the county so designated, whose duty it shall be to make due service and return thereof.

SEC. 2. All acts inconsistent herewith are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER X.

An Act to extend the time of holding the Circuit Court in the county of Ripley, and to change the times of holding the same in the counties of Jennings, Jefferson, Switzerland, and Dearborn.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the circuit court in the county of Ripley shall be holden at each term thereof for the term of time of two weeks, if the business thereof shall require it; and the times of holding said court in the above named counties shall be as follows, viz: In the county of Jennings, on the second Mondays in March and September; in the county of Jefferson, on the fourth Mondays in March and September; in the county of Switzerland, on the third Mondays in April and October; and in the county of Dearborn, on the first Mondays in May and November.

SEC. 2. This act to take effect and be in force from and after the first day of June next.

CHAPTER XI.

An Act to provide for a special session of the Circuit Court of the county of Jefferson.

[APPROVED JANUARY 15, 1844.]

For trial of
Acres.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judges of the circuit court of the county of Jefferson be, and they are hereby, authorized and directed to hold a special session of said court for the trial of one Thornton Acres, now confined in the common jail of said county upon a charge of murder.

Duty of sheriff.

SEC. 2. It shall be the duty of the sheriff of said county to fix a day for the commencement of said special session, at as early a period as practicable; of which he shall give notice to the judges aforesaid, and to the said Thornton Acres.

Notice.

SEC. 3. The notice to the said Thornton Acres shall be in writing, and shall be served upon him at least ten days before the commencement of said special session.

Duty of clerk.

SEC. 4. It shall be the duty of the clerk of said court to issue venires for a grand and petit jury, commanding the sheriff of said county to summon the grand and petit jurors belonging to the regular panel of the last term of said court, and said sheriff may supply any deficiencies in said panel by talismen, if a sufficient number of the regular panel fails to attend.

SEC. 5. Said court may adjourn from day to day, until said Acres shall have been tried.

Further duty
of sheriff.

SEC. 6. The sheriff shall file notice in writing in the clerk's office of said county of the time appointed for the trial of said Thornton Acres, which shall be sufficient direction to said clerk for his action.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER XII.

An Act to authorize a special session of the Switzerland Circuit Court.

[APPROVED DECEMBER 12, 1843.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judges of the Switzerland circuit court are hereby authorized to hold a special session of said court to commence on the first Monday in January, eighteen hundred and forty-four, and to continue as the business herein provided to be performed shall require it, for the purpose of trying or otherwise disposing of their cases, any and all persons who may on said first Monday in January be confined in the jail of said county on any criminal charge. ^{When to be held.}

SEC. 2. It shall be the duty of the sheriff of Switzerland county or the person acting as such, on being informed of the passage of this act, to inform each and every person in the jail of said county on any criminal charge, of the passage of this act, and to receive from them such directions as to procuring their witnesses as they or either of them may desire to give, and to take the ordinary steps to procure the attendance of the same.

SEC. 3. It shall be the duty of the clerk of Switzerland circuit court, on being informed of the passage of this act, to issue a venire to the sheriff of said county, or to the person acting as such, commanding him to summon fifteen freeholders of said county to serve at said term as grand jurors; and, also, venire commanding said sheriff to summon twelve freeholders or house holders to serve as petit jurors at said term, and failure of any such jurors to attend may be supplied by said court from bystanders.

SEC. 4. The court when convened may adjourn from day to day, until said prisoners are all tried; and the prosecuting attorney of said circuit shall attend and prosecute said prisoners, and said court shall in all things not herein expressly provided, proceed as in the trial of criminals at a regular term of the circuit court.

SEC. 5. This act shall be in force from and after its passage.

CHAPTER XIII.

An Act providing for a special term of the Vigo Circuit Court.

[APPROVED JANUARY 15, 1844.]

When to be held.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the judges of the circuit court of the county of Vigo be authorized and required to hold a special term of the said court at the court house in Terre Haute, in the county aforesaid, on the first Monday in February, 1844, for the purpose of trying all persons confined in the jail of said county on the day of the commencement of said special term, for offences against any of the criminal laws of this state: *Provided, however*, that no suits in civil cases shall be tried at said special term.

Jury.

SEC. 2. That the board of county commissioners of Vigo county shall, on the Monday preceding the assembling of said court, (for which purpose a special session is hereby allowed to be held,) select grand and petit jurors; and the clerk of the said circuit court shall issue a venire for, and the sheriff shall summon the said jurors, as in other cases.

SEC. 3. This act to be in force from and after its passage, and the filing of a copy in the office of the clerk of the Vigo circuit court.

CHAPTER XIV.

An Act regulating the time of holding courts in the county of Tippecanoe.

[APPROVED JANUARY 15, 1844.]

Terms.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter there shall be held in the county of Tippecanoe three terms of the circuit court annually. The first term of said court shall commence on the last Monday in February, the second term on the second Monday in June, and the third term on the first Monday in November, in each and every year. At the first and third terms thereof, the said court shall sit twelve days, if the business shall require it; and at the second term so long as the business shall require, not exceeding twenty-four days.

Jury.

SEC. 2. A grand and petit jury shall be empanelled for each term of said court, in the same manner as is now or may hereafter be provided by law.

SEC. 3. That the probate courts in said county shall hereafter be held as follows: Commencing on the third Mondays of February, May, and August, and the fourth Monday of November, in each and every year; and shall, at each term, sit six days, if the business thereof require it.

SEC. 4. That all writs, subpoenas, venires, rules, orders Writs, &c. of court, publications, and all process whatever, which may have issued from said probate court since the last session thereof, or which may hereafter issue previous to the taking effect of this act, shall be deemed and taken to be, and are hereby made returnable to the first day of the first term of said probate court, to be holden by virtue of this act.

SEC. 5. And all suits, actions, and other proceedings now pending, or which may hereafter be pending, shall be taken up and acted upon at the time of such court to be holden under this act, and be disposed of in the same manner as if no alteration had been made in the time of holding such probate courts.

SEC. 6. All laws contravening the provisions of this act be and the same are hereby repealed.

SEC. 7. This act to be in force from and after its passage, and the Secretary of State is hereby required to forward a copy of this act to the clerk of said circuit court.

CHAPTER XV.

An Act for the relief of the boatmen on the Wabash and Erie Canal, and for the establishment of a Medical Infirmary.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That David T. Yeakel and Elizur Deming, together with such persons as they may associate with themselves, be and they hereby are authorized to erect at some convenient point in the town of Lafayette, in the county of Tippecanoe, an Infirmary for the proper medical and dietetic treatment of such boatmen and others connected with the navigation of the Wabash and Erie canal as may from time to time sicken and stand in need of medical assistance; which institution shall be known by the name and title of the *Boatmen's Infirmary*, and

shall be constructed with all its apartments fitted for use by the first day of July, eighteen hundred and forty-four; the emoluments and privileges of which institution, as hereinafter provided, shall accrue to the said David T. Yeakel and Elizur Deming, as proprietors and superintendents, or to such one of them as proprietor and superintendent as shall cause said infirmary to be erected at his own expense within the time aforesaid.

Superintendent

Board of examiners and their duties.

SEC. 2. And for the purpose of ensuring faithful attention on the part of said superintendents or superintendent, Samuel R. Johnson, T. T. Benbridge and Rudolph S. Ford, residents of said Lafayette aforesaid, are hereby appointed as a board of examiners, whose duty it shall be to make a semi-annual examination of the manner in which said institution is conducted; for which purpose, the books of the infirmary shall be submitted at all times to their inspection, and who shall forward annually to the governor of the state a report or exhibit, setting forth the cases submitted to medical treatment or surgical operations, the number of deaths, or of patients dismissed cured, together with such other matters affecting the general character of the institution as they shall deem important; which board of examiners shall have power to fill vacancies as may from time to time occur by death or resignation of its members.

Duty of superintendents.

SEC. 3. It shall be the duty of the superintendents or superintendent of said infirmary to receive all applicants from time to time bearing the proper certificate, as hereinafter provided, and to place the same under medical treatment, providing free of all charge such medicine and nursing as the case may demand; to provide and keep open for the inspection of the board of examiners a case book, in which the name, age, and disease of each patient shall be duly entered, together with the practice adopted and duration of the treatment, and in case of death, to provide, without expense to the county, a proper and decent burial.

Duty of captains of boats.

SEC. 4. For the purpose of defraying the necessary expenses of said infirmary, it shall be the duty of each and every captain or commander engaged in the navigation of the Wabash and Erie canal, within the limits of this state, and who are running canal boats to and from Lafayette, to deduct from the wages of each male person of the age of eighteen years and upwards, stewards, steersmen, cooks, boat hands, drivers, or others connected with the navigation of his boat, the amount of fifty cents from their monthly wages, from the first of April to the first of December in each year, which amount so deducted he shall pay over to the collector of the port at Lafayette on

the first day of each month during the time aforesaid, taking his receipt for the same; and in order to ensure the faithful performance of the said duties aforesaid, it shall be the duty of each captain or commander as aforesaid, to furnish said collector with a written statement of the number of individuals by him employed at the time of each monthly collection, which statement shall be verified by oath, if necessary; and each captain or commander, as aforesaid, who shall fail to comply with any of the provisions of this section, shall be subject to a penalty of five dollars for each failure, to be collected by an action of debt before any justice of the peace having competent jurisdiction; and on all judgments rendered thereon there shall be no stay of execution.

SEC. 5. It shall be the duty of the collector of the port of Lafayette, on the first of each month from April to December, in every year, or as soon thereafter as practicable, to demand and receive from each captain or commander engaged in navigating the Wabash and Erie canal, the amount of monthly deductions specified in the foregoing section, and to provide himself with such books as may be necessary, (to be paid for out of the amounts collected as above,) on which shall be entered the names of each captain or commander, together with those of the hands he may employ; he shall also, after deducting as full payment for his services the amount of six per cent. on all moneys collected in pursuance of this act, pay over such balance as may remain in his hands monthly to the order of the superintendents or superintendent of said infirmary.

Duty of collector of the port of Lafayette.

SEC. 6. It shall be the further duty of each captain, boatman, or other person, male or female, coming under the provisions of this act, applying for admission to this infirmary and for medical treatment therein, to report or cause to be reported to said collector aforesaid, his or her name, and that of the boat on which he or she is engaged, and to receive from said collector a permit of admission.

Permit of admission, how obtained.

SEC. 7. This act shall be in force from and after its passage.

CHAPTER XVI.

An Act to establish an Asylum for the education of deaf and dumb persons in the State of Indiana.

[APPROVED JANUARY 15, 1844.]

Trustees.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor of the State, Treasurer and Secretary of State, Henry W. Beecher, Phineas D. Gurley, Love H. Jamison, Livingston Dunlap, and James Morrison, of the county of Marion, and Matthew Simpson, of the county of Putnam, and their successors, be and are hereby constituted a body politic and corporate, to be known by the style of the "Trustees of Indiana Asylum for educating the deaf and dumb," and by such corporate name and style sue and be sued, plead and be impleaded in any courts in this state.

First meeting, and election of officers.

SEC. 2. It shall be the duty of the above named trustees to meet at the Governor's room on the first day of February, 1844, or so soon thereafter as practicable, and organize by electing of their own body a treasurer and clerk who shall hold their respective offices one year, and until their successors are chosen and qualified.

Vacancy in first board, how filled.

SEC. 3. Should any of the above named trustees fail or refuse to act as such, the governor is hereby authorized and required to appoint other competent person or persons to fill such vacancy.

Trustees to procure house, provide boarding, &c.

SEC. 4. The board of trustees when organized shall, so soon thereafter as practicable, lease or rent some suitable house or room in the town of Indianapolis, for the accommodation of such deaf and dumb persons as are in the State of Indiana; make such provision for their boarding, clothing, and tuition as said trustees may deem just and reasonable.

Teachers.

SEC. 5. Said board of trustees shall have the power to employ one or more teachers, to instruct such deaf and dumb persons as may from time to time be placed in the institution for instruction, in such rudiments as are usually taught in deaf and dumb asylums, allowing such teacher or teachers such compensation as they may deem just and reasonable.

Books, &c.

SEC. 6. The trustees shall furnish such necessary books and other necessary articles for the instruction of the pupils as they may deem useful in carrying out the objects of the institution.

Trustees to meet quarterly.

SEC. 7. Said trustees shall meet once in every three months, on their own adjournments, or oftener if they deem it advisable, have power to pass such by-laws and

adopt such rules and regulations for the management and control of the institution, as they may deem just and right.

SEC. 8. They shall likewise admit into said institution any pupil from any other state: *Provided*, tuition and other expense be defrayed by such pupil. Terms of admission from other states.

SEC. 9. The trustees shall be the judges of the ability of the pupil (of this state) to defray his or her expenses, and shall require the parents or guardians in all cases to pay the expenses of board, clothing, and tuition, where they possess the ability, otherwise the same to be defrayed as hereinafter provided. Parents, &c. to pay the expense where they have the ability

SEC. 10. The trustees shall have power to fill all vacancies which may occur in said board after its organization, by election or appointment as they may deem advisable; said trustees shall hold their office for the term of one year, and until their successors are chosen and qualified. Vacancies filled by board. Term of office.

SEC. 11. It shall be the duty of the House of Representatives at the next General Assembly, and annually thereafter, to choose by ballot five trustees in lieu of those constituted by this act, to be governed by the provisions of this act or any other acts amendatory thereto. Trustees to be elected annually by House of Reps.

SEC. 12. All necessary expenses attendant on carrying out the object of this act shall be paid out of the State treasury in the same manner as other moneys are drawn therefrom. Expenses to be paid out of state treasury.

SEC. 13. The board of trustees shall make out and lay the same before the next General Assembly a detailed statement of the expenses of said institution, the number of pupils, the amount of money collected, and all such other matters relating to the management of the institution as may be deemed useful. Trustees to report to next Gen'l. As'ly.

SEC. 14. All expenses necessarily incurred by such trustees in the discharge of their duties shall be reimbursed to them, to be paid as the other expenses of the institution; but the trustees shall not be allowed any compensation for their services. Expenses reimbursed to trustees. No compensation for services.

SEC. 15. That said incorporation have and possess the powers necessary to carry the powers herein granted into effect. Powers granted.

SEC. 16. That nothing in this act contained shall be construed to make any permanent location of the asylum for deaf and dumb at Indianapolis; and in the mean time, the Governor is authorized to receive propositions of donations for the establishment of said asylum at any point where it may be desirable to locate the same. Location.

SEC. 17. This act to take effect and be in force from and after its passage.

CHAPTER XVII.

An Act to enable Forwarding and Commission Merchants to enforce liens.

[APPROVED JANUARY 15, 1844.]

Lien.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any forwarding and commission merchant in this state, having a lien upon any goods, wares, or merchandise in store, may enforce the same in the manner provided in this act.

List of goods
to be filed be-
fore J. P.

SEC. 2. That when any goods, wares, or merchandise shall have remained in store for more than one year, upon which said forwarding and commission merchants may have a lien, it shall be lawful for him or his agent or attorney to appear before any justice of the peace of the proper county, and file a list of such goods, wares, or merchandise, setting forth the same and the amount of such lien upon each bale, package, box, or parcel, and the manner of acquiring such lien, which list shall be verified by oath or affirmation.

Notice of trial
to be published

SEC. 3. When such list shall be filed before the justice as required in the second section of this act, said justice shall docket the case in the name of the person or persons holding such lien against such goods, wares, or merchandise, and cause a notice, setting forth the day for the trial of said cause, to be published in some public newspaper, printed in the county, where such justice before whom said list may be filed resides, and if no paper shall be published in said county, then in some paper printed nearest thereto, setting forth that unless said lien and all costs shall be paid on or before the time specified in said notice, said justice shall order said goods, wares, and merchandise to be sold for the payment of said lien and costs, which notice shall be published at least sixty days prior to the day set for the hearing of said cause.

Sale ordered.

SEC. 4. On the day fixed for the trial of said cause, and on proof of the publication of notice, as required in the third section of this act, if no good cause shall be shown, said justice shall render a judgment on his docket, ordering said goods, wares, or merchandise to be sold, (or so much thereof as is necessary to pay said lien and costs.)

Order to con-
stable.

SEC. 5. It shall be the duty of such justice to issue an order under his hand and seal, directed to some constable of the proper township, directing said constable to sell said goods, wares, and merchandise at public auction, to make the amount of said lien and costs, or so much there-

of as may be necessary to pay the same; which order shall be issued thirty days after the rendition of said judgment.

SEC. 6. It shall be the duty of the constable to whom said order may be delivered, to receive the same, and sell and dispose of said goods, wares, and merchandise at public auction to the highest bidder, after giving at least twenty days' notice of the time and place of sale, by posting up said notices in three of the most public places in the township where such sale is to be had; said constable shall offer said goods, wares, and merchandise for sale as above specified, within thirty days after receiving said order, and if no sale is made of enough of the same to pay the amount of said lien and costs, it shall be his and his successor's duty to re-offer the same once in every thirty days, until the same or enough thereof is sold to pay the amount of said lien and all costs, and when the same is so sold as aforesaid, to return said order with his doings thereon to the justice issuing the same, or to his successor in office: *Provided*, that the said property shall not sell for less than two thirds its appraised value.

SEC. 7. When the said sale is so made as aforesaid, it shall vest the title of the property so sold in the purchaser or purchasers respectively.

SEC. 8. Any and all persons feeling aggrieved by the judgment of the justice in any proceedings by this act authorized, may at any time before sale of the property, on affidavit filed before such justice or his successor, appeal to the circuit court of the proper county upon the same terms that appeals are now granted from justices of the peace.

SEC. 9. When any such cause shall be appealed to the circuit court, as authorized in the eighth section of this act, it shall be tried as other causes are tried in said court, and either party may have a jury or it may be submitted to the court without a jury. If on such appeal, the court or jury trying the cause, shall find for the plaintiff, the said circuit court shall render the same judgment that is authorized in the fourth section of this act, and the court shall issue the same order authorized in the fifth section of this act, directed to the proper officer; and the officer to whom said order may be delivered, shall proceed to sell the said property in the same manner that the constable is directed to sell by the sixth section of this act; which sale shall have the same effect and vest the title of the property in the purchaser or purchasers in like manner as the sales by constables.

Writs of error,
&c.

SEC. 10. Writs of error and appeals may be taken and granted from any final judgment of the circuit court in proceedings authorized by this act as in other cases.

Costs.

SEC. 11. The same costs shall be taxed and allowed in all proceedings authorized by this act that may by law be taxed and allowed at the time of rendering or performing the services for like services in other actions at law.

CHAPTER XVIII.

An Act making general appropriations for the year 1844.

[APPROVED JANUARY 15, 1844.]

General appro-
priations for
the year 1844.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be appropriated for the purpose of meeting the expenses of the year 1844, for the salary of the Governor, one thousand five hundred dollars; for the contingent expenses of the Governor, one thousand dollars; for the salary of the Treasurer of State, one thousand dollars; for the salary of the Auditor of State, one thousand dollars; for the salary of the Secretary of State, eight hundred dollars; and also, two hundred dollars for enrolling the bills of the present session of the General Assembly; for the salaries of the Judges of the Supreme Court, four thousand five hundred dollars; for the salaries of the President Judges of the Circuit Courts, eleven thousand four hundred dollars; for the salaries of Prosecuting Attorneys, one thousand eight hundred dollars; for the pay of Probate Judges, three thousand dollars; for the salary of the Adjutant General, one hundred dollars; for the salary of the Quarter-master General, one hundred dollars; for the State Library, three hundred dollars; for the salary of the Librarian, two hundred dollars; for transporting convicts to the penitentiary, one thousand two hundred dollars; for the public printing and distribution of the laws, eight thousand dollars; for stationery for the General Assembly and public officers, four thousand five hundred dollars; for the General Assembly, twenty-five thousand dollars; for the new penitentiary at Jeffersonville, five thousand dollars, to be expended under the direction of the Governor, if he shall be satisfied that the

present state and quality of that work will justify its further progress; for specific appropriations, five thousand five hundred dollars.

SEC. 2. This act to be in force and have effect from and after its passage.

CHAPTER XIX.

An Act making specific appropriations for the year 1844.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the principal and assistant Secretaries of the Senate, and the principal and assistant Clerks of the House of Representatives shall each be allowed the sum of four dollars per day for each day they may have served as such during the present session. And that such assistants as may have been employed by any of the aforesaid secretaries or clerks, under an order of either branch of the General Assembly, shall each be allowed three dollars per day, while so employed, to be certified by the Speaker of the House of Representatives and the President of the Senate respectively.

SEC. 2. That the Door-keeper of the Senate and the Sergeant-at-Arms and Door-keeper of the House of Representatives shall each be allowed the sum of three dollars per day. And that the assistant door-keepers of the Senate and House of Representatives shall each be allowed the sum of two dollars and fifty cents per day for their services.

SEC. 3. That the persons employed in splitting and drawing up wood during the present session, be allowed one dollar and fifty cents per day while so employed.

SEC. 4. That John Cain, postmaster, be allowed the sum of eight dollars, for the postage of communications addressed to the Speaker of the House of Representatives during the present session, and five dollars for postage on communications addressed to the President of the Senate during the present session.

SEC. 5. That T. P. Baldwin, clerk of the committee of ways and means of the House of Representatives, and clerk of the committee of elections of the Senate, be allowed two dollars per day for his services, but he shall

not be allowed to charge for two days when he acted as clerk for both committees upon the same day, so as to get double pay for the same time.

I. P. Smith.

SEC. 6. That there be paid out of the Treasury to Isaac P. Smith the sum of five hundred and forty dollars, for his services as superintendent of the construction of the new penitentiary from March to December, 1843, one half of which sum is to be deducted out of Pratt & McDougal's claim against the state on account of the new penitentiary, as the same has been certified by the late governor.

I. P. Smith.

SEC. 7. That there be paid out of the Treasury to Isaac P. Smith the sum of twenty-five dollars, for measuring and estimating the value of the work done by Pratt & McDougal on the old penitentiary, to be paid out of the governor's contingent fund.

Repairs of state house, &c.

SEC. 8. That there be appropriated out of the Treasury a sum not exceeding three thousand dollars, to be expended under the direction of the Governor in repairs on the state house, supreme court room, the clerk's office of the supreme court, and on the house in the Governor's circle.

I. P. Smith.

SEC. 9. That there be paid to Isaac P. Smith the sum of thirty-five dollars, for making a plan and estimate of the cost of a State Lunatic Asylum, to be paid out of the Governor's contingent fund.

A. J. Harlan.

SEC. 10. That Andrew J. Harlan, assistant clerk of the House of Representatives at the last session, be allowed ten dollars for organizing the House of Representatives at its present session.

J. Cain.

SEC. 11. That J. Cain be allowed three dollars and forty-four cents for sundries furnished for the use of the House.

B. Pottage.

SEC. 12. That Benjamin Pottage be allowed fourteen dollars and eighty-two cents for goods furnished for repairs and use of the House at the commencement of the present session.

C. B. Davis.

SEC. 13. That C. B. Davis be allowed fourteen dollars for sand boxes, ink, paper, sealing wax, and wafers furnished for the use of the members of the House at its present session.

J. M. Talbott.

SEC. 14. That J. M. Talbott be allowed two dollars and fifty cents for goods furnished for the use of the House at its present session.

N. Lister

SEC. 15. That N. Lister be allowed one dollar and twenty-five cents for brooms, &c., furnished the present General Assembly.

Craighead & Brandon.

SEC. 16. That Craighead & Brandon be allowed five dollars and forty cents for a thermometer and goods furnished for the use of the present General Assembly.

SEC. 17. That Walker & Vandegrift be allowed five dollars and seventy-five cents for work done on state house at the commencement of the present session of the General Assembly. Walker & Vandegrift.

SEC. 18. That Drum, Wilkens & Co. be allowed eleven dollars and sixty-two cents for goods furnished for the use of the House at its present session, incident to the funeral of the Hon Stephen S. Collett, deceased. Drum, Wilkens & Co.

SEC. 19. That John H. and James Bradley be allowed one hundred dollars for professional services in attending to and prosecuting twenty cases for trespass on state lands in the Kosciusko circuit court. J. & J. Bradley

SEC. 20. That Day, Tyler & Co. be allowed three dollars for portfolio for Speaker of the House of Representatives. Day, Tyler & Co.

SEC. 21. That there be appropriated the sum of five hundred dollars or so much thereof as may be found necessary for the purchase of furniture for the Governor's house. Furnishing governor's house.

SEC. 22. That there be allowed to George H. Dunn seven hundred and sixty-three dollars and ninety-seven cents for repairs made on the state house and grounds, during the past year. G. H. Dunn.

SEC. 23. That there be allowed to J. P. Chapman two hundred and six copies of the Daily State Sentinel furnished the House of Representatives and its officers by a resolution of the House, the sum of three hundred and nine dollars. J. P. Chapman.

SEC. 24. That there shall be allowed to S. V. B. Noel for two hundred and six copies of the Daily State Journal furnished the House of Representatives and its officers by a resolution of the House, the sum of three hundred and nine dollars. S. V. B. Noel.

SEC. 25. That the principal clerk of the House of Representatives be allowed the sum of fifty dollars for making out the index to the Journal of the House of 1843-4, and the principal secretary of the Senate be allowed the sum of fifty dollars for making out the index to the Journal of the Senate for the year 1843-4; and any enactment of law imposing this duty on the Secretary of State is hereby repealed. Indexing journals.

SEC. 26. That Josephus Collett be allowed the sum of eighty dollars, the amount paid by him for conveying the corpse of the Hon. Stephen S. Collett to his late residence in Vermillion county; and also the sum of one hundred dollars for the per diem allowance and mileage due the said deceased, to be paid to his administrator or administrators. J. Collett.

Tomlinson & Brother. SEC. 27. That Tomlinson & Brother be allowed the sum of two dollars twenty-six cents, for sundries furnished the present legislature.

J. M. Talbott. SEC. 28. That J. M. Talbott be allowed ten dollars fifty cents, for sundries furnished to the present legislature.

Morrison & Alvord. SEC. 29. That William H. Morrison & Alvord be allowed the sum of three dollars, for sundries furnished the present legislature.

C. B. Davis. SEC. 30. That C. B. Davis be allowed eleven dollars and sixty-eight cents, for stationary furnished to the present legislature.

Jacob Foltz. SEC. 31. That Jacob Foltz be allowed eighteen dollars, for services rendered during the present session.

John Cook. SEC. 32. That John Cook be allowed the sum of nine dollars, for services at the commencement of the present session as door-keeper, &c.

D. Maguire. SEC. 33. That Douglass Maguire be allowed ten dollars being for services as principal secretary of the Senate, at the commencement of the present session.

J. H. Farquhar. SEC. 34. That John H. Farquhar be allowed the sum of four dollars for his services as assistant secretary, in the opening of the Senate at the present session.

J. W. Cook. SEC. 35. That John W. Cook be allowed the sum of two dollars and fifty cents, for one day's services as assistant door-keeper to the Senate, at the commencement of the present session.

Auditor of state. SEC. 36. That the Governor of the state be directed to allow to the Auditor of State such sum as he may deem reasonable for his services as keeper of the building on the Governor's circle, expenses in planting and preserving trees and repairs to house and fence around circle, payable out of the Indianapolis fund.

W. Sullivan. SEC. 37. That William Sullivan, a justice of the peace of Marion county, be allowed for swearing witnesses and door-keeper during the session of 1841-2 and 1842-3, the sum of five dollars.

Preparing laws for publication. SEC. 38. That there be allowed one hundred dollars annually to defray the expenses necessarily incurred by the Secretary of State in copying the laws and preparing them for publication.

CHAPTER XX.

An Act to amend an act entitled "An act authorizing the issue of five dollar treasury notes for the redemption of the fifty dollar treasury notes now in circulation," approved February 31, 1842.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Treasurer of State be and he is hereby authorized to negotiate a loan with the State Bank of Indiana not to exceed in amount seventy-five thousand dollars in bankable funds, to run for two years; and for the purpose of securing the said Bank, said Treasurer hypothecate an equal amount of treasury notes to the Bank of any of the former issues except the one-fourth of one per cent. notes. That in the event said Bank shall be compelled, for her own security, to use any part thereof, she shall not be allowed to count for her own benefit, any of the back interest thereon.

SEC. 2. That said Bank shall be authorized to receive, by quarterly instalments from the State Treasury, any moneys that may come into the same from any source whatever, except the interest upon any and all the school and college funds and other funds set apart for the purposes of education.

SEC. 3. That the loan hereby authorized to be made from the Bank when effected, the first advancement made by the Branch at Indianapolis, shall be paid immediately to meet the present emergency, and that said Branch shall be authorized to draw her portion of said advancement first from the Treasury, and the next payments to be made equally among the Branches making the loan.

SEC. 4. This act to take effect from and after its passage.

Treas. of State
to negotiate a
loan.

Funds applica-
ble to re-pay-
ment of loan.

First advance
how applied.

CHAPTER XXI.

An Act to establish an additional place of holding elections in Florida township, in Parke county.

[APPROVED JANUARY 12, 1844.]

Additional
inspector.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified voters of Florida township, in Parke county, be and they are hereby authorized to elect an additional inspector of elections for said township, who shall open polls for voting at the house of John Burson in said township; which elections shall be governed in all respects by the laws regulating general and township elections in this state.

Mode of ascer-
taining who
are elected su-
pervisors, &c.

SEC. 2. In order to determine who are elected supervisors, fence viewers, and overseers of the poor, the judges and inspectors of elections, at the house of said Burson, shall make a certificate under their hands and seals of the whole number of votes given for overseers of the poor, fence viewers, and supervisors, and one of the judges shall, on the day succeeding the election, meet one of the judges at Roseville, and it shall be their duty to compare the votes and give certificates of election to the persons having the greatest number of votes for the offices aforesaid; the returns in all other respects shall be as prescribed by law.

Duty of county
auditor.

SEC. 3. It shall be the duty of the county auditor to appoint an inspector of elections at the house of said John Burson, who shall serve as such until his successor be elected and qualified.

SEC. 4. This act to be in force from and after its passage, and the Secretary of State is hereby directed to transmit a certified copy hereof to the auditor of said county.

CHAPTER XXII.

An Act abolishing the office of County Auditor in certain counties therein named.

[APPROVED JANUARY 15, 1844.]

Owen, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the office of county auditor be and the same is hereby abolished in the counties of Owen, Greene, Washington, and Carroll.

SEC. 2. The duties heretofore required to be performed by the county auditors of the several counties named in the first section of this act, shall in all things be performed and exercised by the clerks of the circuit courts of said counties in the same manner, and subject to the same liabilities and invested with the same powers that by law now is required of and bestowed upon county auditors.

Duties to be
performed by
clerk.

SEC. 3. It shall be the duty of the above named clerks, before entering on their duties as is required in the second section of this act, to give an additional bond to be approved of by the county board of their respective counties, conditioned for their faithful performance, as is required by law.

Clerks to give
bond.

SEC. 4. It shall be the duty of the several boards doing county business, to allow their respective clerks any sum not exceeding one hundred and fifty dollars for the services required of them by the provisions of this act, except the counties of Orange and Harrison, which shall not exceed two hundred dollars.

Compensation

SEC. 5. *And be it further enacted,* That all laws and parts of laws which allow the auditor twelve and one half cents for the examination of deeds on the transferring the same, be and the same is hereby repealed, so far as the counties named in the first section of this act are concerned.

Fee for exami-
ning deeds re-
pealed.

SEC. 6. It shall be the duty of the several county auditors named in this act, to deliver over all books and papers appertaining to said office to the clerk of the circuit court, so soon as a certified copy of this act is filed in the clerk's office of his county and the said clerks comply with the requisitions of the third section of this act, and he is hereby required to receipt for the same.

Books, &c. to
be delivered to
clerks.

SEC. 7. That the boards doing county business in the counties of Orange and Union, be and they are hereby authorized and required to allow the auditors of said counties the sum of two hundred dollars per annum for all their services as such auditors, which shall be in full compensation for all their services.

Compensation
to the auditors
of Orange and
Union.

SEC. 8. The board of commissioners of Carroll county shall allow the clerk thereof as a compensation for his services under this act, any sum not exceeding three hundred dollars in any one year.

Compensation
to clerk of
Carroll.

SEC. 9. This act shall take effect and be in force from and after its passage; and all acts and parts of acts contravening the provisions of this act are hereby repealed; and it is made the duty of the Secretary of State to forward a certified copy of this act to each of the clerks named in the first section of this act.

When to take
effect.

CHAPTER XXIII.

An Act relative to Overseers of the Poor.

[APPROVED JANUARY 15, 1844.]

Justices to be
ex officio over-
seers of the
poor.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the first Monday in April next, the two justices of the peace in each civil township in this state shall, *ex officio*, be the overseers of the poor for their township; and as such shall do and perform all the services and receive the compensation appertaining to the office of overseer of the poor.

Where there
are more than
two justices in
any township,
the oldest shall
act.

SEC. 2. In case there be three or more justices of the peace in any township, then the two oldest shall act as the overseers of the poor; and in computing age, reference shall be had to the date of that commission from which the justice has continuously held his office; and should two commissions, from which age is counted, be of the same date, then he shall be the overseer who is the older man.

Law for elect-
ing repealed.

SEC. 3. That so much of any law of this state as requires overseers of the poor to be, as such, elected, shall not hereafter be deemed to be in force.

CHAPTER XXIV.

An Act to reduce the expenditures of the county of Carroll.

[APPROVED JANUARY 13, 1844.]

Office of coun-
ty auditor abol-
ished.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the office of county auditor in the county of Carroll be and the same is hereby abolished.

Clerk to dis-
charge duties
of auditor.

SEC. 2. It shall be the duty of the clerk of the circuit court of said county to perform all the duties appertaining to said office of county auditor; and the said clerk before entering upon the duties hereby imposed upon him, shall give the like bond and take the same oath now required of said county auditor.

Bond.

Special session
of board, &c.

SEC. 3. The penalty of said bond shall be fixed and the security approved of by the board doing county business, in said county; and for the purpose of carrying into effect the provision of this section, the said board shall hold a special session on the first Monday of February next.

SEC. 4. The board doing county business in said county shall make said clerk such allowance for his services under this act as they shall deem just and reasonable, not exceeding the sum of three hundred dollars in any one year.

SEC. 5. The present auditor shall continue to serve as Auditor to such until the said clerk shall have been qualified as pre-serve until clerk qualifies. scribed by this act.

SEC. 6. This act shall take effect and be in force from When to take effect. and after the first Monday in February next; and it shall be the duty of the Secretary of State to forward one certified copy thereof to the said auditor and one to said clerk.

CHAPTER XXIV.

An Act regulating the licensing of Auctioneers in the city of Fort Wayne.

[APPROVED JANUARY 6, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all auctioneers duly licensed as such in strict accordance with the charter or any ordinance of the city of Fort Wayne, are hereby authorized to sell at public auction or outcry, within the limits of said city, all goods, wares, and merchandise placed in their hands for that purpose, without paying any other tax or per centage or obtaining any other or further license therefor than that paid to and obtained from the said city authorities: *Provided, always*, that the provisions of this act shall only extend to sales actually made by the person himself who is thus licensed, and that the provisions of this act shall not extend to any sale made by such auctioneer other than at public auction.

SEC. 2. That any and all laws conflicting with the pro-Repeal. visions of this act be, as to the said city of Fort Wayne, hereby repealed.

SEC. 3. This act to be in force from and after its publication in the State Sentinel.

CHAPTER XXV.

An Act to raise a revenue for state purposes, and to redeem treasury notes.

[APPROVED JANUARY 15, 1844.]

General levy. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a tax of twenty cents on each one hundred dollars of the value of all property entered in the general list for taxation, and a poll tax of fifty cents on each poll subject by law to taxation, shall be and is hereby authorized and directed to be levied, for the current year, one thousand eight hundred and forty-four; which tax shall be assessed and collected agreeably to law. That one cent on the hundred dollars be levied as a fund with which to erect a lunatic asylum.

Lunatic asylum.

Redemption of treasury notes. SEC. 2. That fifteen cents of the above rate on each one hundred dollars valuation of property liable to taxation, shall be and the same is hereby directed to be set apart and applied for the redemption of outstanding treasury notes.

Ordinary expenses.

SEC. 3. That five cents of the above rate on one hundred dollars valuation of property liable to taxation, together with the poll tax, shall be applicable to the ordinary expenses of the state government.

Any funds in treasury applicable for redemption of treasury notes.

SEC. 4. That the Treasurer of State be authorized to apply any available funds in the treasury, not otherwise appropriated, for the purpose of redeeming treasury notes or other liabilities of the state.

Property exempt, &c.

SEC. 5. That so much of the revised statutes enacted at the last session of the General Assembly as exempts from taxation all property exempt from execution, be and the same is hereby repealed; and that the property of each widow and each revolutionary soldier of the amount of two hundred dollars be exempt from taxation.

Repeal.

SEC. 6. That all acts and parts of acts conflicting with the provisions of this act, be and the same are hereby repealed.

SEC. 7. This act to be in force from and after its passage.

CHAPTER XXVI.

An Act establishing an additional place of holding elections in Perry county.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business for the county of Perry shall, at their first meeting after the passage of this act, appoint some suitable place in the town of Cannelton, in Troy township, in Perry county, as an additional place in said township for holding township and general elections. Where to be held.

SEC. 2. That the said board doing county business, in the establishment of said additional place of holding elections, shall be governed in all things by the laws now in force regulating elections. Board, how governed.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XXVII.

An Act to revive and amend an act entitled "An act for the relief of settlers on the Wabash and Erie Canal lands," approved February 24, 1840.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act for the relief of the settlers on the Wabash and Erie Canal lands," approved February 24, 1840, be and the same is hereby revived and extended to all persons having settled and made improvements on any of the said lands previous to the first day of January, 1844: *Provided, however*, that such improvements as have been made by persons subsequent to the passage of the act of last winter on this subject, shall be paid for in canal scrip, issued for the construction of said canal, as is provided in the law of last winter. Act of 1840 revived.

SEC. 2. That in case any person other than the settler should purchase the land upon which improvements have been made, as aforesaid, on the day that the same is offered at public sale or within six months thereafter, such person shall pay the settler or his assigns the appraised Improvements how paid for.

value of his improvements in cash; but in case said land should not be purchased on the day of sale or within six months thereafter, said improvements shall be paid for in canal land scrip, issued for the completion of said canal east of the Tippecanoe river, if the said improvements are upon the lands selected for that purpose, and in scrip issued for the completion of said canal west of the Tippecanoe river, if the improvements are on the land selected for that purpose.

SEC. 3. This act to take effect and be in force from and after its passage, and the filing of certified copies of the same in the offices of the general superintendent of the Wabash and Erie canal, or either of them; and it is hereby made the duty of the Secretary of State to forward certified copies hereof to said offices as early as possible.

CHAPTER XXVIII.

An Act to provide for the establishment of an additional place of holding elections in Vermillion county.

[APPROVED JANUARY 5, 1844.]

Additional
inspector.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified electors of Clinton township, in Vermillion county, be and they are hereby authorized to elect an additional inspector of elections for said township, who shall open polls for voting at Indiana Furnace, and shall be governed in all respects by the laws regulating general and township elections in this state.

Mode of ascer-
taining who
are elected
supervisors.

SEC. 2. In order to determine who are elected supervisors, fence viewers, and overseers of the poor, the judges and inspector of elections at Indiana Furnace shall make a certificate, under their hands and seals, of the whole number of votes given for overseers of the poor, supervisors, and fence viewers, and one of the judges shall, on the day succeeding the election, meet one of the judges at Clinton, in said township, compare the votes and give certificates of election to the persons having the greatest number of votes for the offices aforesaid; the returns in all other respects shall be as prescribed by law.

SEC. 3. It shall be the duty of the county auditor to appoint an inspector of elections at Indiana Furnace, who shall serve as such until his successor be elected and qualified. Duty of county auditor.

SEC. 4. This act to be in force from and after its passage, and the Secretary of State is hereby directed to transmit a certified copy hereof to the auditor of said county.

CHAPTER XXIX.

An Act to establish an additional place of holding elections in Jackson township, in the county of Washington.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified electors of Jackson township, in Washington county, be and they are hereby authorized to elect an additional inspector of elections for said township, who shall open polls for voting at Martinsburg, and shall be governed in all respects by the laws regulating general and township elections in this state. Additional inspector.

SEC. 2. In order to determine who are elected supervisors, fence viewers, overseers of the poor, and justices of the peace, the judges and inspector of elections at Martinsburg shall make a certificate, under their hands and seals, of the whole number of votes given for overseers of the poor, supervisors, fence viewers, and justices of the peace, and one of the judges shall, on the day succeeding the election, meet one of the judges at Salem, compare the votes, and give certificates of election to persons having the greatest number of votes for the offices aforesaid; the returns in all other respects shall be as prescribed by law. Mode of ascertaining who are elected supervisors, &c.

SEC. 3. It shall be the duty of the county auditor to appoint an inspector of elections at the town of Martinsburg who shall serve as such until his successor be elected and qualified. Duty of auditor.

SEC. 4. This act to be in force from and after its passage, and the Secretary of State is hereby directed to transmit a certified copy hereof to the auditor of said county of Washington.

CHAPTER XXX.

An Act for the relief of Delaware and Grant counties.

[APPROVED JANUARY 13, 1844.]

Annual salary
in lieu of fees.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter in lieu of the fees and compensation now allowed by law to the auditors of the counties of Delaware and Grant, payable by said counties for services required by them by the several acts prescribing their duties, they shall receive an annual compensation of not more than four hundred dollars: *Provided, however*, that the compensation of the auditor of Grant county shall not exceed three hundred dollars, which shall be in full for their services as aforesaid.

Regulation as
to subpoenas
for witnesses
before grand
jury in Dela-
ware co., &c.

SEC. 2. That hereafter each subpoena that may be required by the grand jury of the county of Delaware, for witnesses to testify before that body, shall contain the names of all the witnesses known at the time by the grand jury as material in the required case or cases, which shall also be specified in the subpoena; and the sheriff of the county of Delaware shall serve all such writs, and endorse his fees thereon, and upon the conviction of the defendant or defendants therein named, said fees shall be taxed up as a part of the costs of the case, but no allowance whatever shall be made to said sheriff payable out of the county treasury for said services, nor shall said county be liable to pay for any deputies employed by said sheriff during the sittings of the courts of said county, beyond the bailiffs necessary to attend upon the court, not exceeding three.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XXXI.

An Act providing for opening and repairing roads and highways in Hancock county.

[APPROVED JANUARY 15, 1844.]

Additional tax

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in the county of Hancock there shall hereafter be assessed and collected for the purpose of constructing, making, and repairing roads and high-

ways in said county, in addition to the amount now authorized by law to be assessed and collected for that purpose, the sum of one half of one cent on each and every acre of land subject to taxation in said county, and on town lots with the improvements thereon which are subject to taxation, ten cents on each one hundred dollars valuation thereof.

SEC. 2. That the amount assessed and collected, as in the first section of this act provided, shall be expended by the several supervisors in their respective road districts in which the same shall have been collected by letting to the lowest bidder; the labor to be performed in jobs not exceeding in amount four dollars to any one person at the same time who shall be a resident of said road district.

SEC. 3. That it shall be the duty of the several supervisors, before the letting of the jobs of work provided for in the second section of this act, to give at least ten days' notice of the time and place of such letting, by written advertisements posted in two of the most public places in such district: *Provided*, that nothing in this act shall prevent any person from working out any road tax in the same manner and at the same rates as is now provided by law.

SEC. 4. That it shall be the duty of supervisors to pay over to their successors in office all moneys in their hands at the expiration of their term or going out of office belonging to such road district; and for failing so to do, or to perform any other duties in this act required, shall be subject to the laws now in force.

SEC. 5. That each and every person now by law subject to work on roads and highways in the county of Hancock, shall work in their several districts in each year, between the first day of May and December, two days and no more, in addition to the road tax above in this act provided, and work under the same regulations and subject to the same penalties for failing to work when notified according to the laws now in force.

SEC. 6. All laws and parts of laws coming in contravention of this act, so far as relates to the county of Hancock, be and the same are hereby repealed.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER XXXII.

An Act in relation to road tax in Elkhart county.

[APPROVED JANUARY 13, 1844.]

Tax where
worked out.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter all road tax shall be worked out in the district in which the land or other property taxed is situate, and that for such labor one dollar per day shall be allowed.

When.

SEC. 2. The road tax shall be worked out previous to the first day of November, and within one month thereafter each supervisor shall make return thereof to the county auditor, and at the same time account for all moneys that may have come to his hands as such supervisor.

SEC. 3. This act to take effect and be in force in the county of Elkhart from and after its publication in the Goshen Democrat.

CHAPTER XXXIII.

An Act authorizing and directing supervisors of public roads and highways to make their returns to the boards of commissioners of their respective counties at the June term thereof

[APPROVED JANUARY 15, 1844.]

Returns when
to be made.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the supervisors of roads and highways be and they are hereby authorized and directed to make their returns to the boards of commissioners of their respective counties at the June term thereof next after the expiration of their term of office.

SEC. 2. Nothing in this act shall be so construed as to embrace any counties provided for by local acts.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXXIV.

An Act to provide for electing supervisors of roads in Boone county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified electors in the several road districts in the county of Boone may meet at the residence of the supervisor of their road district on the fourth Saturday in March of each year, and elect by ballot one of their number supervisor for their road district, who shall hold his office for the term of time now provided by law, and shall have all the power and authority and be subject to the same penalties and liabilities as other supervisors of roads.

SEC. 2. That the person who shall be supervisor of roads in each road district in Boone county on the fourth Saturday of March shall be authorized to act as inspector and clerk, and to receive the votes of the electors of his road district for supervisor for the ensuing year, and if from any cause the supervisor shall fail to attend at his residence and act as inspector and clerk, as authorized by this act, a majority of the electors of such road district may appoint some one of their number to act as inspector and clerk for that purpose.

SEC. 3. That it shall be the duty of the person who shall act as inspector and clerk in any road district for the purpose of electing a supervisor of roads, to give the person elected by a majority of the votes of such district a certificate of his election, and also to furnish on or before the opening of the polls at the next April election to the township inspector of elections, a certified copy of the certificate of election in his road district.

SEC. 4. That in all cases where the electors of any road district in Boone county shall elect a supervisor, and the township inspector of elections shall have been notified, as provided by this act, no person shall be elected at that township election as supervisor of roads for such road district; but should the electors in any road district in Boone county fail to elect a supervisor of roads, and notify the township inspector of elections, as provided by this act, then and in that case supervisors in all districts that shall so neglect shall be elected as now provided by law.

SEC. 5. This act to be in force from and after its passage.

CHAPTER XXXV.

An Act in relation to the auditor of the county of Knox.

[APPROVED JANUARY 12, 1844.]

Act of 1843
repealed as to
Knox county.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of "An act reducing the fees of the auditors in the counties of Morgan, Monroe, Knox, &c." approved February 13, 1843, as relates to the auditor of Knox county, be and the same is hereby repealed; and the auditor of said county is hereby restored and shall hereafter be entitled to receive the same compensation and perquisites which attached to his office by law previous to the adoption of said reduction; subject, however, to the same regulations and restraints and penalties, as if said act had never existed.

SEC. 2. This act to be in force from and after its publication in the Western Sun, a newspaper printed at Vincennes, at the expense of said auditor.

CHAPTER XXXVI.

An Act to extend an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842.

[APPROVED DECEMBER 28, 1843.]

St. Joseph and
Randolph.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842, be and the same is hereby extended to the counties of St. Joseph and Randolph.

SEC. 2. All acts and parts of acts coming in purview with this act, be and the same are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XXXVII.

An Act to amend an act entitled "An act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike," approved January 31, 1842.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the seventh section of an act entitled an act to provide for opening and repairing roads and highways in the counties of Gibson and Pike be and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXXVIII.

An Act to change the mode of selecting Seminary trustees in the county of Lawrence, and for other purposes.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of the county of Lawrence shall convene at as early a time as practicable and appoint six seminary trustees to act as the legitimate board of seminary trustees for the seminary of Lawrence county.

SEC. 2. That said trustees shall be a body corporate and politic, and shall elect one of their own body as president, and shall have power to appoint a clerk, such president and clerk being removable at the pleasure of the board of trustees.

SEC. 3. One third of said trustees shall go out of office each year, and their places supplied by new appointments made by the county commissioners.

SEC. 4. The powers and duties of said board of trustees, their president and clerk, shall be as follows:

1st. The said board of trustees shall employ all teachers, and shall determine the course of instruction pursued in said seminary.

2d. They shall fix the compensation of such teachers, and of the clerk of said board.

SEC. 5. For the payment of such teachers, clerk, and other incidental expenses, such board shall have power to

appropriate the tuition fees and such part of the principal and interest of the seminary fund as the county commissioners shall designate and set apart for that purpose.

Trustees certify sums due to teachers, &c.

SEC. 6. The said board of trustees shall certify the several sums due to teachers and others, payable out of such seminary fund after exhausting tuition fees; and the auditor or clerk to the county board shall audit the same and draw his warrant on the treasurer in favor of the person entitled thereto.

President.

SEC. 7. The president shall preside at meetings of the board, and shall sign the minutes of proceedings and all certificates.

Clerk.

SEC. 8. The clerk shall keep a record of the proceedings of the board and attest all certificates; shall keep accounts of receipts and expenditures; shall make and preserve statements of the number, age, and studies of the pupils, and attend to all other matters given to him in charge by the board of trustees.

Accounts, &c. to be laid before county board.

SEC. 9. The board of trustees shall cause abstracts of these statements and accounts, showing succinctly the number, age, and study of the pupils, and the expense of tuition, to be annually made on the thirty-first of October, and shall cause one copy to be forwarded to the county auditor or clerk to the county board, whose duty it shall be to lay the same before the county board, and another to the superintendent of common schools, (provided such officer should be continued,) for the use and inspection of the legislature.

Quorum.

SEC. 10. A majority of the board of trustees duly assembled may transact any business relating to said seminary.

By-laws.

SEC. 11. The board of trustees shall have power to establish by-laws for the government of themselves, their officers, their teachers, and scholars of said seminary, as they may deem proper, not inconsistent with the constitution and laws of this state or of the United States.

Pros. Att'y. to attend to suits.

SEC. 12. In all suits in behalf of or against said board of trustees of said seminary or in relation to the fund aforesaid, the prosecuting attorney of the proper circuit shall attend to the interest of said trustees and fund.

Duty of county board.

SEC. 13. The board of county commissioners shall have jurisdiction in all matters relating to said seminary, and shall take cognizance of, supervise, and enquire into the management of the seminary affairs by said trustees, and shall pass such orders and decrees for the preservation and correct disposition of all funds and effects of said seminary as their discretion shall direct; and should any member of said board of trustees be guilty of any wilful or corrupt misconduct the board of county commissioners may remove such member from office and supply his place.

SEC. 14. That no part of the funds arising from forfeited recognizances, shall be considered as any part of said seminary fund.

SEC. 15. This act to take effect and be in force from and after its passage; and that all laws and parts of laws contravening the provisions of this act, so far as relates to Lawrence county, is hereby repealed.

SEC. 16. This act shall be published in the State Sentinel and Indiana Journal.

CHAPTER XXXIX.

An Act for the encouragement of domestic manufactures.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for any person to kill any dog that may be found or ever known to be running, worrying, molesting, or killing sheep within the county of Jefferson; and for the purpose of protecting the sheep in the said county, it shall be lawful for any person on his own premises or ground occupied by him, to set a trap or dead-fall where his sheep usually run, and if any dog is caught therein or death occurs thereby no action for damages against the person for so protecting his sheep shall be had.

SEC. 2. That in all actions brought against any person or persons for wounding, injuring, or killing any dog within said county, it shall and may be lawful for the defendant in such case to give in testimony to the court or jury trying the same, that said dog was wandering through his plantation without his owner or some one of the family, and all other circumstances that will go to show that such dog ever has run, worried, molested, or killed a sheep, and if the court or jury trying such case shall be of the opinion, from the circumstances of the case, that said dog ever has run, worried, molested, wounded, or killed a sheep, such case shall be adjudged against the plaintiff, and he shall pay the costs of prosecution.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XL.

An Act to amend an act to authorize the commissioners of Elkhart, Kosciusko, and Whitley counties to equalize the appraisement of real estate in said counties; approved February 13, 1843.

[APPROVED JANUARY 13, 1844.]

Act of 1843
changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provision in the first section of the act to which this is an amendment shall read as follows, to-wit: *Provided*, that the said boards shall not have power to change the aggregate valuation of the taxable property therein situate.

Acts legalized.

SEC. 2. That the acts of the board or boards of commissioners of the said counties of Elkhart, Kosciusko and Whitley, done under the provision of the act to which this is an amendment, be and the same is hereby declared legalized.

Repeal.

SEC. 3. All acts and parts of acts coming within the purview of this act are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage, and the Secretary of State is hereby directed to forward a certified copy of this act to each of the county auditors of counties named in this act.

CHAPTER XLI.

An Act defining the duties of the State Agent.

[APPROVED JANUARY 15, 1844.]

Duty of agent.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the Agent of State to sell as soon as practicable all the property, real and personal, of the state of Indiana, which has been received for state bonds, for the best price the same will bring, payable either in state bonds or money, as he may deem most expedient: *Provided*, no bonds shall be so received but those for which the state of Indiana has received the consideration for which they were sold, provided they can be identified.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XLII.

An Act to provide for the election of Agent of State, State Printer, Commissioner or Superintendent on the Wabash and Erie canal, and other officers by viva voce.

[APPROVED DECEMBER 28, 1843.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the election of State Agent, State Printer, Commissioner or Superintendent on the Wabash and Erie canal, and all other officers hereafter to be elected by joint vote of the legislature, not otherwise provided for in the constitution of the state, shall be by joint *viva voce* vote, and not otherwise; and that so much of the late revision as contravenes the provisions of this act, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XLIII.

An Act regulating the granting of licenses in the counties of Adams, Allen, Huntington, and Wells.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of the above named counties are hereby authorized and required to grant licenses to keep taverns and groceries within said counties to any person or persons applying therefor, who shall present a petition to that effect signed by the requisite number of freeholders, as is now provided for by law; and the sum or price to be charged for such license may be determined by the commissioners of said counties: *Provided*, that the amount charged for such license shall not exceed the amount now established by law.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLIV.

An Act abolishing the fee for issuing patents to purchasers of Wabash and Erie Canal lands.

[APPROVED JANUARY 13, 1844.]

Sec. of State's fee abolished.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall not be lawful for the Secretary of State to demand or receive any sum of money or other consideration for issuing or delivering any patent or patents to purchasers of Wabash and Erie canal lands.

Repeal.

SEC. 2. All laws or parts of laws conflicting with the provisions of this act be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XLV.

An Act to improve the breed of sheep.

[APPROVED JANUARY 15, 1844.]

Provision as to rams running at large.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That if any ram shall be found running at large out of the enclosure of its owner, between the first day of July and the first day of December, it shall be lawful for any householder to take up said ram, and if no owner shall appear and claim such ram within five days from the time it shall have been taken up, the person who shall have taken up such ram may alter or cause such ram to be altered and turned out, at the risk of the owner thereof.

When to be in force.

SEC. 2. This act shall be in force when the board doing county business in any county shall have passed an order adopting the provisions thereof for such county, and shall have caused notice thereof to be given to the inhabitants of such county by publication, in such manner as such board shall direct: *Provided*, that nothing in this act contained shall be construed to extend the provisions thereof to any county of which the board doing county business shall not have adopted it as aforesaid.

CHAPTER XLVI.

An Act to amend an act entitled "An act to establish and regulate ferries," approved February 10, 1831.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the twentieth section of the act to which this is an amendment as prohibits any person or persons residing in the states of Kentucky or Illinois from ferrying across the Ohio or Wabash rivers, within one half mile of an established ferry, with their own skiff or boat, themselves and families, or their individual goods and chattels, be and the same is hereby repealed. Part of act of 1831 repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XLVII.

An Act extending the provisions of an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842, to the counties of Jay and Adams.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the above recited act, so far as the same relate to the counties of Noble, Lagrange, De Kalb, Steuben, Kosciusko, Allen, Huntington, Wells, and Whitley, be and the same are hereby extended to the counties of Randolph, Jay, and Adams, in all their bearings. Randolph, &c.

SEC. 2. That all laws or parts of laws conflicting with the provisions of this act, so far as the same relate to the said counties of Jay and Adams, be, and the same are, hereby repealed. Repeal.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XLVIII.

An Act providing for the loaning of the school funds of Vigo county.

[APPROVED JANUARY 13, 1844.]

Office of school
commissioner
abolished, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the office of school commissioner of Vigo county be and the same is hereby abolished and vacated, and the school funds now in his hands shall be divided among the several congressional townships, according to the amount to which each is entitled, by paying the same to the township treasurers.

Township
treasurers to
give additional
bond.

SEC. 2. That the said township treasurers shall, before receiving said funds, file additional bond and security for the performance of their duties and the safe keeping of said funds, and for the due application of the same according to law to the acceptance of the board of county commissioners.

Duty of town-
ship treasurers

SEC. 3. That said township treasurers shall, after receiving the said funds, loan out the same and apply the proceeds in like manner as the school commissioner is now by law directed, and said township treasurers shall do and perform all the duties in their respective townships that the said school commissioner is now required by law to do.

School com'r.
to pay over
money, &c.

SEC. 4. It shall be the duty of the said school commissioner to pay over to the county treasurer any money, notes or other evidences of debt remaining in his hands belonging to any township that may have neglected or refused to organize; and it shall be the further duty of the said county treasurer to dispose of said funds in the same manner as they are now disposed of by the school commissioner.

Bond of trea-
surer.

SEC. 5. It shall be the duty of the said treasurer to enter into bond and security to the satisfaction of the board of county commissioners, in such amount as the said board shall deem just and reasonable, for the faithful performance of the duties hereby enforced.

School com'r.
not released
from any lia-
bility incurred.

SEC. 6. Nothing contained in this act shall be so construed as to release the said school commissioner or his security or securities from any liability on his official bond until all the duties herein required shall have been performed, nor shall it be construed as releasing him or his said securities from any official conduct previous to the passage of this act.

SEC. 7. This act to be in force from and after an official copy of said act shall have been filed in the office of the clerk of the Vigo circuit court.

CHAPTER XLIX.

An Act vesting the duties of school commissioner in the county treasurer in certain counties.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the duties now or that may be hereafter required to be performed by the school commissioner, shall be performed by the county treasurer in the following counties, to-wit: Fayette, Laporte, Union, and Posey.

SEC. 2. For his services in this behalf, the treasurer shall receive the compensation allowed the school commissioner, and the bond of the treasurer shall be increased in accordance with the law as to the commissioner's bond.

SEC. 3. This act shall take effect and be in force from and after the first Monday in August next; but the commissioners shall continue to act as such in said counties until the treasurers are qualified, and thereafter the office of school commissioner shall be abolished in said counties.

CHAPTER L.

An Act for the relief of purchasers of school lands.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where any purchaser of school land has failed to pay the annual instalment of interest due thereon, and a forfeiture of the land has accrued to the township by virtue of the publication of the revised laws of 1843, it shall be lawful for such purchaser to redeem his land so forfeited by paying to the school commissioner the interest and penalty thereon, according to the stipulations of an act entitled "An act to revise and amend an act incorporating congressional townships, and providing for public schools therein," approved February 17, 1838, approved February 15, 1841.

Penalty to be
refunded in
certain cases.

SEC. 2. Where any person shall have paid the penalty to prevent a forfeiture of his land in the one hundred and eighty-first section of the thirteenth chapter of the revised laws of 1843, relating to congressional townships, it is hereby made the duty of the auditor and school commissioner to refund to the purchaser the amount so paid in: *Provided*, the purchaser shall have previously complied with the requisitions of the first section of this act.

SEC. 3. This act shall be in force from and after its passage and publication in the Indiana State Journal and State Sentinel, and cease to operate after the first day of June, eighteen hundred and forty-four.

CHAPTER LI.

An Act to apply the saline funds to common school purposes.

[APPROVED JANUARY 15, 1844.]

Saline funds,
how applied.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all funds that have arisen, and all funds that shall arise from the sale of saline lands shall hereafter be applied to common school purposes.

To whom paid

SEC. 2. That such funds shall be paid over to the proper officers of the several counties in the state of Indiana, having control or management of the common school funds in their respective counties, whose duty it shall be to apply it in the same way and manner that other school funds are managed and applied.

Exception.

SEC. 3. That nothing in this act shall apply to the seminary township in Gibson county.

SEC. 4. This act to take effect and be in force from and after its passage, and shall be published in the Indiana State Sentinel and Indiana Journal.

CHAPTER LII.

An Act to reduce the compensation of county auditor in the county of Ripley.

[APPROVED DECEMBER 28, 1843.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the compensation of the county auditor of the county of Ripley, for all services which may be rendered by him as such, either to county or state, shall not exceed in any one year the sum of one hundred and fifty dollars.

SEC. 2. All laws and parts of laws coming in conflict with the provisions of this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after the first day of August next.

CHAPTER LIII.

An Act to further reduce the expenses of Brown and Owen counties.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That while the county boards of the counties of Brown and Owen shall be sitting as a board of equalization, they shall not be entitled to receive any other compensation than that now allowed for their services at any other terms of the county board, nor shall any laws or parts of laws be so construed as to allow any further compensation.

SEC. 2. That three members of the board of county commissioners in Owen county shall constitute a quorum, except at the June term thereof.

SEC. 3. That this act shall be in force from and after its passage.

CHAPTER LIV.

An Act for the better regulation of the county board in the county of Warrick.

[APPROVED JANUARY 15, 1844.]

Quorum. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That five of the justices of the peace of the county of Warrick shall constitute a quorum to do business.

Absentees. SEC. 2. That if any of the justices shall fail to attend, or refuse, the number present shall have full power to direct the clerk of the county court to issue a writ of subpœna, commanding and compelling the attendance of the absentees; which subpœna shall be executed by the sheriff, and a refusal to obey such summons shall be considered a contempt, and attachment may issue accordingly.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER LV.

An Act to repeal an act therein named.

[APPROVED JANUARY 12, 1844.]

Repeal. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the act approved January 29th, 1842, extending the provisions of an act entitled "An act for the preservation of sheep" to the county of Delaware, be and the same is hereby repealed.

Tax remitted. SEC. 2. All taxes assessed by virtue of the aforesaid act are hereby remitted; and in case any person or persons have paid any amount so assessed, the treasurer is hereby required to refund the same to the person or persons having paid the same.

SEC. 3. This act shall be in force from and after its passage, and a duly certified copy thereof filed in the office of the auditor of said county.

CHAPTER LVI.

An Act to extend the provisions of an act therein named to Delaware county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled "An act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31, 1842, except so much as relates to the counties of Fulton and Marshall, be and the same are hereby extended to Delaware county: *Provided, however*, that in lieu of the words "only one day" where they occur in the second section, the words "two days" shall be substituted therefor, and in default thereof, shall pay the sum of seventy-five cents per day, to be collected in the manner prescribed by the act aforesaid.

SEC. 2. All laws contravening the provisions of this act Repeal. or prescribing any other mode of assessing and collecting road tax in said county of Delaware, be and the same are hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER LVII.

An Act to amend an act, entitled "An act to confine the voters of Tippecanoe, Cass, Porter, Lake, and Franklin counties to their respective townships, and for other purposes," approved February 13, 1843.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the above entitled act as confines voters to their respective townships in the county of Lake, be and the same is hereby repealed.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER LVIII.

An Act to repeal an act therein named so far as the same relates to Delaware county.

[APPROVED JANUARY 15, 1844.]

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the act entitled "An act to encourage agricultural improvements in the counties of Allen, Wells, &c." approved February 11th, 1843, as relates to Delaware and St. Joseph counties, be and the same is hereby repealed.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER LXIX.

An Act regulating elections in the counties of Adams and Jay.

[APPROVED JANUARY 5, 1844.]

Voters confined to their own townships

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That at all elections hereafter to be holden in the counties of Adams and Jay the qualified voters thereof shall severally vote in the townships in which they may respectively reside, and not elsewhere.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LX.

An Act to give effect to an act entitled "An act to restrict the county commissioners in the counties of Allen, Laporte, Wells, Huntington, Adams, and Jay," approved February 13, 1843.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all laws and parts of laws coming within the purview of the above recited act, be and the same are hereby repealed. Laws repealed.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER LXI.

An Act to detach certain territory from the county of Miami and attach the same to the county of Fulton.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following territory shall hereafter constitute and form a part of the county of Fulton, Territory attached to the county of Fulton.

to-wit: Beginning at the north west corner of section nineteen, in township thirty north, of range five east; thence east to the south east corner of section twenty-two, same township and range; thence south to the south east corner of section thirty-four, same township and range; thence west to the south west corner of section thirty-one, same township and range; thence north to the place of beginning. north

SEC. 2. That all suits instituted in the Miami circuit court, either in law or equity, that are still pending in said court, shall be prosecuted in the said Miami circuit court in the same manner as they would have been before the passage of this act. Pending suits.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXII.

An Act to repeal in part a certain law therein named.

[APPROVED JANUARY 15, 1844.]

WHEREAS, at the last session of this General Assembly there was passed a law in regard to granting grocery licenses in certain counties in this state;

And, whereas, by mistake, the county of Switzerland is incorporated in said law;

And, whereas, by the journals of both branches of the General Assembly, at last session, it appears that no motion was made by any one to place said county in said law; for remedy whereof,

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the act entitled "An act regulating the granting of licenses in the counties of Rush, Shelby, Spencer, Harrison, Warrick, Greene, Delaware, Union, Dubois, Floyd, Switzerland, Marshall, Cass and Gibson," approved February 2, 1843, as relates to the county of Switzerland or brings said county within the purview of said act, be and the same is hereby repealed.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXIII.

An Act to amend an act entitled "An act to provide for the payment of expenses incurred for the protection of the school funds, and for other purposes," approved February 11, 1843.

[APPROVED JANUARY 15, 1844.]

Act revived.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the second section of the act to which this act is amendatory, be and the same are hereby revived and continued in force until the first day of July, 1844, in respect to all lands heretofore sold on the seminary township of land in Monroe county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXIV.

An Act to declare the Mississinewa river a public highway.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of the Mississinewa river from and below range number fifteen (15) east, to the junction of said stream with the Wabash river, be and the same hereby is declared a public highway.

SEC. 2. That all supervisors of public highways in the county of Randolph, through which said stream runs, are hereby required to take charge of said stream within their respective road districts and to clear out all obstructions to the navigation thereof, and to keep the same free from obstructions, in the same manner and under the same law, penalties and regulations that require supervisors to open and keep in repair public roads and highways.

SEC. 3. It shall be the duty of all owners and occupiers of dams now erected across said river below said range fifteen, to make within two years from the passage of this act, and all persons who may hereafter erect any dam on the same, to make in said dams, so respectively owned, occupied, or erected by them, good and suitable slopes for the convenient passage of boats navigated on said river; and any person coming within the purview of this section and failing to comply with its provisions, shall be liable, on presentment or indictment, to be fined in any sum not exceeding one hundred dollars nor less than ten dollars, and also be liable in an action of debt to the party aggrieved by reason of the obstruction caused by the erection or continuance of said dam.

CHAPTER LXV.

An Act giving further time to Assessors.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all laws now in force or embodied in the revised statutes of 1843, pointing out the mode of levying taxes in the several counties in this state, be and

the same are hereby so amended as to give the assessors from the first day of January to the twenty-fifth day of May, in each year, to discharge the duties now required to be performed between the first day of March and the twenty-fifth day of May.

Change in
former laws.

SEC. 2. That the words "first of March," wherever they occur in the laws in relation to the assessment of taxes be construed and taken to mean the "first day of January," and they are hereby declared to have that meaning as fully as if the same were actually inserted in the printed laws.

When to take
effect.

SEC. 3. This act shall take effect and be in force from and after the filing of a certified copy of the same in the office of the auditor of the county; and it is hereby made the duty of the Secretary of State to transmit such copy to said auditor with as little delay as possible.

CHAPTER LXVI.

An Act giving authority to take acknowledgments or proofs of deeds and conveyances as therein named.

[APPROVED JANUARY 15, 1844.]

Acknowledg-
ments in open
court or before
notaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acknowledgment or proof of the execution of any deed or conveyance of any lands or tenements situate within any county in this state made or taken in open court in any court of record in this state, either of the United States or of this state, and duly certified by the clerk of such court and attested by the seal of such court, or before any notary public of this state, shall be valid and effectual and have the same force and effect as if acknowledged before a justice of the peace of the county where such land is situate.

Such acknowl-
edgments here-
tofore taken
confirmed.

SEC. 2. That any such acknowledgments or proofs heretofore *bona fide* made or taken, be and the same hereby are approved, ratified, and confirmed, and made as valid and effectual as if made after the taking effect of this act.

SEC. 3. That this act be in force and take effect from and after its passage.

CHAPTER LXVII.

An Act to revive the first section of an act entitled "An act to amend an act entitled an act authorizing the appointment of pilots at the falls of the Ohio in this state," approved February 8, 1841.

[APPROVED JANUARY 12, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the seventh section of the eleventh chapter of the revised statutes, passed at the twenty-seventh session of the General Assembly, be and the same is hereby repealed. 7th sec. of 11th art. of revised statutes re-pealed.

SEC. 2. *Be it further enacted,* That the first section of the act entitled "An act to amend an act entitled an act authorizing the appointment of pilots at the falls of the Ohio in this state," approved February 8, 1841, be and the same is hereby revived. 1st sec. of act of 1841 revived

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXVIII.

An Act for the relief of the purchasers of school lands in Delaware, Randolph, Lagrange, Noble, Steuben, and De Kalb counties.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be lawful for any person duly authorized to take the acknowledgment of deeds in this state to take the acknowledgment of deeds, transfer ties, of all certificates of the sale of school lands lying within the counties of Delaware, Randolph, Lagrange, Noble, Steuben, and De Kalb, belonging to the citizens of the several townships in Monroe county, by virtue of an act of Congress, approved June 23, 1836. Acknowledg-ment of deeds for school lands in certain counties.

SEC. 2. All acts contravening the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER LXIX.

An Act concerning marks and brands.

[APPROVED JANUARY 13, 1844.]

Duty of township clerks in the counties of Jay, &c., to record brands.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the township clerks in the counties of Jay, Adams, Steuben, and De Kalb to record in a book to be provided by them for that purpose, ear marks of neat cattle, sheep, and hogs, and such marks and brands of horses, mules, and asses as any person or persons may wish recorded in said book; but he shall not record the same marks or brands to two different persons.

Copy of record to be furnished

SEC. 2. That said clerk shall give to any person or persons applying for such record a certified copy thereof; and for such record and certificate he shall be entitled to demand and receive from such person or persons, twelve and one half cents.

Operation restricted.

SEC. 3. This act shall not extend to or be in force in any other county of this state than the counties of Jay, Adams, Steuben, and De Kalb.

Repeal.

SEC. 4. That all laws or parts of laws now in force coming in contravention with this act are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its publication.

CHAPTER LXX.

An Act regulating the fees of auditor in the counties of Randolph and Grant.

[APPROVED JANUARY 15, 1844.]

Compensation

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the auditor of the counties of Randolph and Grant shall only receive as a compensation for his services, either in fees, salaries, or perquisites, no more than the sum of three hundred dollars per annum.

Repeal.

SEC. 2. That all laws or parts of laws coming within the purview of this act, so far as relates to the counties of Randolph and Grant, be and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXI.

An Act for the better improvement of the important state roads in the counties of Allen, De Kalb, Noble, Huntington, and Wells.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That at the next April election and at every subsequent April election thereafter the qualified voters in each township in the above named counties may by separate ballot express what proportion of the road tax in said township shall be appropriated to and upon any particular road therein.

SEC. 2. That it shall be the duty of the board doing county business, in each of the above named counties, to appoint a superintendent for any state road upon which any particular portion of the road fund shall be appropriated under the first section of this act, whose duty it shall be to cause to be faithfully applied upon said road the road tax thus appropriated, or any donation to the improvement of said road that may be given for that purpose.

SEC. 3. That the superintendents on said roads shall receive such compensation as shall be fixed by the board of commissioners from whom they receive their appointment.

CHAPTER LXXII.

An Act for the protection of wild fruit growing on public lands in the counties of Lake, Porter, Laporte, St Joseph, Marshall, Fulton, and Kosciusko.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That no person shall gather cranberries from the public lands in the counties of Lake, Porter, Laporte, St. Joseph, Marshall, Fulton, and Kosciusko, previous to the twentieth day of September, in each year.

SEC. 2. Any person offending against the provisions of the first section of this act, shall be liable to indictment, and fined in any sum not exceeding fifty dollars.

CHAPTER LXXIII.

An Act to provide for a transfer of the management of the Saline lands and funds in the county of Orange.

[APPROVED JANUARY 15, 1844.]

Superintendent
and his duty.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Andrew Wilson, of the county of Orange, be and he is hereby appointed superintendent of the Saline lands and funds in said county, whose duty it shall be to demand of and receive from the county auditor all books, papers, and tracts of or pertaining to said lands or funds, and from the treasurer of said county all the funds on hand arising from said lands.

Bond and oath

SEC. 2. That before entering upon the duties of said office, it shall be the duty of the superintendent to file with the clerk or auditor a bond to be approved of by the clerk or auditor, in double the amount likely to come into his hands in any one year, and to take an oath before said clerk or auditor that he will faithfully discharge the duties of the office of superintendent according to law.

Books, &c. to
be delivered to
superintendent

SEC. 3. That it shall be the duty of the auditor and treasurer of the county of Orange, so soon as the superintendent hereby appointed shall have complied with the requisitions of this act, to deliver over all books, papers, and moneys in any way pertaining to his said office.

Duty and com-
pensation.

SEC. 4. That it shall be the duty of the superintendent to manage and dispose of the Saline lands in the said county of Orange according to the laws now in force or that may hereafter be in force on that subject, and receive annually on all moneys by him received five per cent., and the same fees allowed to the treasurers of the several counties for like service of paying into the state treasury.

Repeal.

SEC. 5. That so much of the twelfth article of the thirteenth chapter of the late revision as relates to the auditor and treasurer of the county of Orange, together with all laws and parts of laws coming within the provisions of this act, be and they are hereby repealed.

SEC. 6. This act to take effect and be in force from and after its passage.

CHAPTER LXXIV.

An Act to provide for a more efficient mode of expending the road tax in the several counties therein named.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the road tax that may be paid into the county treasury of the counties of Whitley, Adams, Jay, Randolph, Steuben, Huntington, and De Kalb as belong to each organized township, shall be paid to the township treasurers of said township, instead of the supervisors of roads.

SEC. 2. At the time the county treasurer makes such payment the county auditor shall certify to the township clerk the amount so paid by the county treasurer to the township treasurer, and it shall be the duty of the said township clerk to record said certificates in the record book of the proceedings of the township trustees, which shall stand as a charge against said township treasurer.

SEC. 3. The county auditor shall also furnish each of said township treasurers a list and statement of lands upon which taxes have been paid and the amount paid upon each tract.

SEC. 4. The township treasurer shall, so soon as he shall have received the road tax or any part thereof of his township, certify to each supervisor the amount in his hands belonging to said supervisor's district.

SEC. 5. The supervisor shall proceed to expend the moneys belonging to his township, as now provided by law, and give an order or draft upon the township treasurer for the amount of labor done by order of said supervisor, which order shall be redeemed by said treasurer to the amount of moneys in his hands belonging to said district.

SEC. 6. The township treasurers shall make settlement with the board of trustees of his township at their session annually.

SEC. 7. All acts and parts of acts coming within the purview of this act, are hereby repealed.

SEC. 8. This act to take effect and be in force from and after its passage, and a certified copy filed in the auditor's office of the several counties named in this act.

CHAPTER LXXV.

An Act for the relief of purchasers of school lands in Monroe county.

[APPROVED JANUARY 15, 1844.]

School com'r.
to make certi-
ficate to audi-
tor, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of Monroe county shall certify to the county auditor of said county the amount of principal and interest paid by any person or persons for any school lands sold under the provisions of the law authorizing the sale of lands forfeited to the state for non-payment of taxes, wherein said purchaser or purchasers have lost the same by recovery in the courts of this state or in the circuit court of the United States for the district of Indiana; and that said auditor shall draw his warrant upon the school commissioner or treasurer of the said county, or other person having the custody and control of any of the school funds of said county, for the amount of principal and interest so originally paid to said funds for the purposes aforesaid, by any person or persons whatsoever.

Provisions of
act, to whom
extended.

SEC. 2. That any person who has relinquished his school lands without suit, shall be construed to come within the provisions of this act.

SEC. 3. That the provisions of this act shall extend to the heirs, executors, administrators or assigns, or assignees in bankruptcy, of any and all persons who may be deceased and would have been entitled to the provisions of this act if living.

SEC. 4. This act to be in force from and after its passage.

CHAPTER LXXVI.

An Act making the road tax on land in the counties of Fulton, Marshall, White, Pulaski, Jasper, Benton, and Starke uniform, and for other purposes.

[APPROVED JANUARY 15, 1844.]

Tax for road
purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That in the above named counties there shall be assessed and collected for the purpose of repairing, constructing, and making roads, the sum of one cent

on each acre of land subject to taxation, except canal and school lands, on which full payment of the original purchase money has not been made, which shall be taxed when one fourth only of the purchase money has been paid one fourth cent per acre, when one half of the purchase money has been paid one half cent per acre, and when three fourths of the purchase money has been paid three fourths of a cent per acre; and on town lots in the aforesaid counties the sum of fifteen cents on each and every hundred dollars of the valuation thereof, inclusive of the improvements thereon, which shall be in lieu of all taxes on both real and personal property for road purposes in all of said counties; the same to be assessed and collected as other taxes are assessed and collected for state and county purposes: *Provided*, that the same may be worked out under the direction of the proper supervisors of the road districts in which the tax is laid, at the rate of one dollar per day, previous to the first day of November in each year, and the supervisor's receipt therefor shall be received by the treasurers of said counties respectively, in discharge of said tax, or so much thereof as shall have been worked out in the manner aforesaid. And the moneys arising from and under this act, when collected, shall be paid into the county treasury of said counties for the use of the respective road districts therein, and shall be, when collected, paid over by the county treasurers to the supervisors of the respective road districts in which the same shall have been collected, and by such supervisors immediately expended upon the roads in his district: *Provided*, that in all cases when any moneys shall come into the hands of any supervisor at the expiration of his term of office, it shall be his duty forthwith to pay over the same to his successor in office, taking his receipt therefor: *Provided*, that each and every person who shall serve on any board of election in either of said counties, shall be entitled to a credit of one day's work on the roads for each day he shall so serve on said board of election.

Money to be
paid into coun-
ty treasury, &c.

SEC. 2. *And be it further enacted*, That in addition to the said road tax specified in section first, all male inhabitants in said counties between the age of twenty-one and fifty years, persons exempt by law or excused by the board doing county business excepted, shall work two days in each year under the direction of their respective supervisors, and in default thereof shall pay the sum of seventy-five cents respectively, which shall be collected by the supervisors in said counties according to the laws now in force regulating the duties of supervisors of roads and highways: *Provided*, that when any supervisor shall receive

Who shall
work on roads.

Proviso.

ten dollars or upwards of road funds to be expended in his road district, it shall be the duty of such supervisor to give ten days' public notice that he will sell to the lowest bidder road work to the amount of road funds in his hands; and the said supervisor shall sell such work as he may think most advantageous to the public interest.

Merchants' capital taxed.

SEC. 3. *And be it further enacted*, That all capital employed by merchants subject to taxation for state and county purposes, shall be taxed one dollar for road purposes on each three hundred dollars so employed, which tax may be worked out agreeably to the first section of this act, and if not so worked out shall be collected and paid over and expended, as provided for in the first section of this act.

Forfeiture for failure in duty.

SEC. 4. *And be it further enacted*, That any supervisor or other officer of said counties who shall fail, neglect, or refuse to expend or otherwise account for any and all moneys which may be by him received under the provisions of this act, according to the provisions thereof, or who shall fail, neglect, or refuse to comply with any of the provisions of this act, shall forfeit and pay for each and every such offence, in addition to such sum or sums as he or they may have received under the provisions of this act, and not expended or otherwise accounted for, a sum not less than five dollars nor more than twenty, to be recovered by action of debt before any court having competent authority, and applied the same as other moneys are applied under the provisions of this act.

Duty of county auditors.

SEC. 5. It shall be the duty of the county auditors of each county respectively, to make out and furnish to each and every road supervisor, in their respective counties, a list of all lands and town lots and merchants' capital, subject to taxation within their respective road districts.

Repeal.

SEC. 6. All laws and parts of laws which come within the purview of this act, be and the same are hereby repealed.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER LXXVII.

An Act to appoint the board of county commissioners of Carroll county the only board of seminary trustees for the county seminary of said county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of county commissioners of Carroll county are hereby appointed the only board of seminary trustees in said county of Carroll, who shall perform all the duties now imposed on the board of seminary trustees, authorized by a late local law enacted for said county on that subject.

County board to act as board of seminary trustees.

SEC. 2. That said board of county commissioners appointed the board of seminary trustees shall make an annual report of their proceedings to the clerk of the circuit court of said county, who shall lay said proceedings before said court, which shall take cognizance of the same.

SEC. 3. This act to take effect and be in force from and after its passage.

SEC. 4. That all laws or parts of laws conflicting with the provisions of this act, are hereby repealed.

Report.

Repeal.

CHAPTER LXXVIII.

An Act regulating the salary of the county auditor in the county of Fountain.

[APPROVED JANUARY 12, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of an act entitled "An act reducing the fees of the auditors in the counties of Morgan, Owen, Monroe, Knox, Gibson, and Fountain," approved February 13, 1843, as relates to the county of Fountain, be and the same is hereby repealed.

Repeal.

SEC. 2. This act to be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to the auditor of the said county of Fountain.

CHAPTER LXXIX.

An Act converting the moneys arising from the sale of estrays and property taken up adrift into the common school fund.

[APPROVED JANUARY 15, 1844.]

Money arising from sale of estrays transferred to school fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all moneys arising from the sale of stray animals and property taken up adrift, so soon as the same shall have vested absolutely in any county, shall be, by the proper officers, transferred to the common school fund of the county, and shall be ratably apportioned amongst the several school districts thereof.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER LXXX.

An Act in relation to the boundary line between the counties of Clark and Floyd.

[APPROVED JANUARY 15, 1844.]

Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That Frederick Leslie, of the county of Harrison, Thomas Sinex, of the county of Floyd, and Daniel H. McDonald, of the county of Clark, be and they are hereby appointed commissioners to run and mark the boundary line between the counties of Clark and Floyd. Said commissioners shall procure the original act forming the county of Floyd, and establishing the line between said counties, together with all acts amendatory thereto: *Provided, however*, that nothing in this act shall be so construed as to authorize said commissioners to be governed by any acts heretofore passed, in which commissioners were appointed to establish said line between said counties.

Duty, when to be discharged.

SEC. 2. Said commissioners, or a majority of them, after having been notified of the passage of this act by the sheriff of the county of Floyd, or by the reception of a copy of this act, and having taken an oath faithfully and impartially to perform the duties required of them by this act, shall, on the first Monday in April next, or at any time thereafter, proceed to the performance of their duties.

SEC. 3. Said commissioners shall forthwith, after such Maps and determination or survey, make out duplicate maps and reports thereof and file one copy of the same in the recorder's offices of each of said counties of Clark and Floyd, which shall be immediately recorded by said recorders in the record books of said counties. Said commissioners are hereby authorized to call to their assistance a suitable number of persons as chain carriers and markers, who shall be sworn before entering upon their duties, and said commissioners shall, at the time of making their report as aforesaid, file with the auditors of said counties an account of their services and those of the chain carriers and markers, dividing the whole amount thereof equally between said counties; which accounts shall be by the boards doing county business in said counties respectively, ordered to be paid to said commissioners, chain carriers and markers: *Provided*, said account shall not be more than is usually paid for such services.

SEC. 4. This act to be in force from and after its passage, and it is hereby made the duty of the Secretary of State to transmit two certified copies of this act as soon as convenient to the sheriff of the county of Floyd.

CHAPTER LXXXI.

An Act regulating the boundaries of the counties of Warrick and Gibson.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the boundary lines between the counties of Warrick and Gibson be and they are hereby fixed and established according to the provisions of the act entitled "An act relative to county boundaries," approved February 10, 1831, and all acts passed subsequent to said mentioned act, altering or changing said act in any manner whatever, be and the same are hereby repealed, so far as the same relates to the said boundary between the counties of Warrick and Gibson.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXII.

An Act in relation to road tax in the town of Laporte.

[APPROVED JANUARY 13, 1844.]

Powers of the board of trustees of Laporte as to roads, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That from and after the passage of this act, the president and trustees of the town of Laporte shall have the whole and entire control of the opening and repairing of all roads, streets, and alleys within the corporate limits of said town, and within four hundred yards thereof, and of the levying and collecting all road tax for said purposes; and hereafter no assessment of road tax shall be made by the board of county commissioners of Laporte county, nor any such tax be collected by the collector of said county from any property or upon any poll within the limits aforesaid.

Duty of the board.

SEC. 2. The said president and trustees of said town shall be and they are hereby authorized and required to keep such roads, streets, and alleys in repair, and to appoint some person or persons for that purpose, and to assess upon the taxable property and polls within the limits aforesaid, within a distance of four hundred yards on every side beyond the present limits of said town a sufficient tax for said purpose, and to require of the persons resident thereon to labor upon said roads, streets, and alleys, to open or repair the same as individuals are now bound to do if the same be necessary, as fully as any supervisor may or can do in any road district in this state: *Provided*, that said president and trustees may, if they see proper, exempt any farm or farm land from such taxation.

Property not subject to assessment by county board.

SEC. 3. That hereafter the persons and property within the limits aforesaid shall not be subject to the assessment or control, as to road tax or the repairing or opening of roads, of any board of commissioners, supervisors or other officer whatever than the president and trustees of said town, and the same shall be taken for and constitute a road district of itself.

SEC. 4. This act to be in force from and after its passage.

CHAPTER LXXXIII.

An Act regulating the road law in the county of Warrick.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be duty of the board of commissioners of the county of Warrick to district their roads at their annual March term. Roads to be districted at March term of the board.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXXXIV.

An Act providing for the election of one school commissioner in Russell township, Putnam county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it may and shall be lawful for the qualified voters of the township aforesaid, on the first Monday in April next and every third year thereafter, to meet at the usual place of holding elections in said township, for the purpose of electing one school commissioner from among the qualified voters of the same; which election shall be conducted in all respects as provided in the law regulating general elections. Election.

SEC. 2. The commissioner so elected, before entering upon the duties of his office, shall give bond payable to the state of Indiana, for the use of schools in said township, in the penal sum of three thousand dollars, with three freehold securities, to be approved by the board of county commissioners of said county, conditioned for the faithful discharge of the duties of his office, and for paying over to his successor in office all the money that he may receive by virtue of his office, which bond shall be filed by the auditor of said county; and he shall also take an oath for the faithful performance of his duties. Said commissioner shall receive, as a compensation for his services, seventy-five cents for each day he may be necessarily employed in the discharge of his duties, which compensa- Bond and oath
Compensation and term of office.

tion shall be paid out of the school fund of said township. Said commissioner shall hold his office for three years: *Provided*, he is guilty of no misconduct.

Governed by
existing laws.

SEC. 3. The commissioner aforesaid, shall, in the discharge of his duties as such, be governed by the laws regulating the duties and powers of school commissioners of the several counties in this state, in making the sale of school section, keeping books, loaning the funds arising from the sale of school section, together with the restrictions and limitations now in force by virtue of said law, except as in this act specified.

Duty of school
com'r. of the
county.

SEC. 4. And it shall be the duty of the school commissioner of said county, upon the demand of the commissioner so elected, to make out a full and complete statement of all the moneys, notes, bonds, mortgages, books, papers, and effects belonging to said township, and deliver the same to the commissioner aforesaid; and upon his refusal to comply with this requisition, the township commissioner so elected may sue for the same in any court having competent jurisdiction.

Office of town-
ship trustee
abolished.

SEC. 5. And from and after the election and qualification of the said commissioner, the office of township trustee shall be abolished in said township, and the present trustees shall deliver to the said commissioner all the moneys, notes, bonds, mortgages, books, and papers that properly belong to said township; and it shall be the duty of said commissioner to perform all the duties required of township trustees.

Vacancy.

SEC. 6. In all cases where vacancies occur, either by death, resignation, or otherwise, it shall be the duty of the county commissioners to fill such vacancy at their first regular meeting; which vacancy shall in all cases be filled with a citizen of said township, who shall give bond and security as herein specified.

Citizens shall
not be deprived
of school fund.

SEC. 7. The provisions of this act shall not deprive the citizens of said township of their portion of the surplus revenue, nor of any other school funds arising from the laws now in force in this state for the support of education.

SEC. 8. This act to take effect and be in force from and after its passage.

CHAPTER LXXXV.

An Act to authorize the auditor of Hendricks county to become the purchaser of real estate in certain cases therein named.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever hereafter any judgment or judgments shall be obtained against any school commissioner and his securities, or against any school commissioner in his individual capacity alone without his securities, for or on account of any defalcation (whether the said default accrued before or after the passage of this act) in his office as school commissioner, it shall and may be lawful, and it is hereby made the duty of the auditor of the said county of Hendricks to attend the sale of property levied upon by the sheriff by virtue of any execution issued on any judgment recovered as above described, and if necessary to bid the same off under the restrictions hereinafter provided.

SEC. 2. *Be it further enacted*, That it shall be the duty of the clerk of the circuit court of said county when he issues an execution upon any judgment recovered as above specified, to endorse on the back thereof that the same was recovered against the said (A. B.) defendant, as and for a default in his said office as school commissioner of the said county of Hendricks.

SEC. 3. And whenever any sheriff or other officer shall have levied upon any real estate of the defendant or defendants by virtue of any such execution endorsed as aforesaid, it shall be the duty of such sheriff or other officer forthwith to notify the said county auditor of the time and place of the sale thereof, whose duty it shall be to attend the same, and who is hereby authorized to bid upon such sale as trustee for said funds, and in case of opposing bidders he may continue to bid thereon as often as necessary: *Provided*, that in any event he shall not be allowed to bid any more than the real and *bona fide* cash value of the property offered for sale: *And, provided further*, that he shall not in any case bid more for said property than will satisfy in full the execution.

SEC. 4. And should the said auditor become the purchaser of such property by bidding as aforesaid, it shall be the duty of the sheriff forthwith to execute and deliver a deed of conveyance to said auditor, describing him in said deed as follows: "A. B. auditor of the county of Hen-

dricks, and his successors in office, in trust for the congressional school funds of said county;" which deed when so executed and delivered to said auditor shall absolutely vest the title of said property in the said auditor and his successors, as trustees for the school funds aforesaid.

Auditor may
sell land, &c.
so acquired.

SEC. 5. The auditor or his successor in office may sell and dispose of lands and tenements he may have purchased under the provisions of the foregoing act, in the same manner as is now provided by law for him to dispose of lands acquired by sale upon mortgages for the school funds and under the same restrictions.

Compensation

SEC. 6. The said auditor shall be allowed a reasonable compensation for any services he may render or expenses he may incur in the discharge of any duty enjoined by this act, to be allowed by the board doing county business.

SEC. 7. This act to be in force from and after its passage.

CHAPTER LXXXVI.

An Act to prohibit the sale of spirituous or fermented liquors in the town of Greensboro', in the county of Henry.

[APPROVED JANUARY 13, 1844.]

Sale of liquors
restricted.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall not be lawful for any person or persons to sell or barter any spirituous or fermented liquors in the town of Greensboro', in the county of Henry, in any less quantity than ten gallons at a time, for any use or purpose whatever, except for medicinal, mechanical, or sacramental purposes.

Penalty.

SEC. 2. Any person or persons who shall violate the provisions of the foregoing section, shall, upon conviction thereof before any justice of the peace of the proper township, be fined in any sum not less than one nor more than three dollars.

SEC. 3. This act shall be in force from and after its publication in the Indiana Courier; which publication shall be at the expense of the said town of Greensboro'.

CHAPTER LXXXVII.

An Act correcting a discrepancy in the estray law.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the word "twelve" where it occurs in the sixth section, chapter twenty-one, revised statutes of 1843, shall be considered as stricken out, and the word "twenty" inserted instead thereof.

Amendment of
revised stat-
utes of 1843.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER LXXXVIII.

An Act to transfer books, papers, and vouchers of Michigan Road Commissioner's office to the office of Auditor of State.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the passage of this act it shall be the duty of the auditor of public accounts to demand from any and all persons having charge of any of the books, papers, and vouchers, and maps of the late Michigan road commissioner's office, and to receive and file and preserve the same in his office.

Books, &c.
filed in audi-
tor's office.

SEC. 2. That all the powers conferred upon the late commissioner of the Michigan road as to selling lands and granting certificates to purchasers are hereby conferred upon the auditor of state.

Powers con-
ferred.

SEC. 3. Upon any sale of any unsold land of the Michigan road grant, the purchaser shall pay the money at the state treasury, and file the treasurer's receipt with the state auditor; whereupon, the auditor will grant his certificate of sale in the usual form, on which the secretary of state shall, on demand, issue his patent, as to other purchasers of said land.

Payment of
purchase mo-
ney, &c.

SEC. 4. Said unsold land may be sold at the price fixed in chapter fifty-two, page seventy-three of general laws of 1840.

Price of land.

SEC. 5. This act to be in force from and after its passage.

CHAPTER LXXXIX.

An Act the better to secure the payment of the revenue into the State Treasury in such funds as are collected by the County Treasurers.

[APPROVED JANUARY 15, 1844.]

Funds to be specified in receipt.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of each and every county treasurer within this state to specify in all receipts given by him for the payment of taxes the amount paid in state scrip, and the amount paid in cash or other par funds.

List to be kept.

SEC. 2. It shall also be the duty of each of said treasurers to keep a list of the names of persons who have paid taxes with the amount and kind of funds, as aforesaid, received from each annexed to his name; which list shall be filed by him with the auditor of his county, on or before the time appointed by law for his settlement with that officer, and shall at all times be open to the inspection of all tax payers, free of charge.

Treasurers to pay warrants.

SEC. 3. That the several county treasurers in this state are directed to pay any warrants upon the state treasury that may be presented; and to do so, the treasurers may use any funds in their hands desired by the holder of the warrants, and such warrants shall be the proper vouchers of the treasurers in their settlements with the treasurer of state: *Provided*, that the provisions of this section shall only extend to appropriations made by the present General Assembly.

County auditor to report to state treasurer.

SEC. 4. It shall be the duty of said county auditor, so soon as said list is filed by the treasurer and verified by his oath or affirmation, to report by mail to the treasurer of state the amount collected in state scrip, and also the amount collected in cash or other par funds.

SEC. 5. This act shall take effect and be in force from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER XC.

An Act changing the sessions of the county boards.

[APPROVED JANUARY 15, 1844.]

WHEREAS, a discrepancy has occurred in the revised statutes of 1843; to remedy which, it is necessary to change the time of holding the sessions of the county commissioners: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section four, chapter seven of said revised statutes be and the same is hereby so amended as to require the regular sessions of the board of commissioners to be holden on the first Mondays in March, June, September, and December, in each year, instead of the times in said section designated.

Amendment to revised statutes.

SEC. 2. This act shall be in force from and after its passage, and shall be published in the Indiana Journal and State Sentinel.

CHAPTER XCI.

An Act relative to the assessment of canal lands.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the superintendent of the Wabash and Erie canal, or other officer whose duty it may be to sell canal lands, to make out and forward to the auditor of any county in which canal lands may be situate, on or before the first day of March, in each year, a certificate stating what lands in such county may have been sold in the preceding year, and also how much is still due and unpaid to the state upon each piece; in order that the same may be properly registered and assessed for taxation.

Duty of com'r. on W. and E. canal.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XCII.

An Act in relation to the sale of lands and town lots for delinquent taxes.

[APPROVED JANUARY 15, 1844.]

Tax sales not valid against claim of state on mortgage.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That no sale of any real estate mortgaged to the state of Indiana for any assessment, tax, or charge, shall be valid against the state, but the purchaser or purchasers at such sale shall take such property subject to such mortgage.

SEC. 2. This act shall take effect and be in force from and after its publication in the Indiana State Sentinel and Indiana State Journal; and it is hereby made the duty of the Secretary of State to furnish copies of this act to each of the county auditors in this state.

CHAPTER XCIII.

An Act to amend the fourth article of the sixteenth chapter of the revised statutes of 1843, so far as the same relates to the counties of Washington and Jackson.

[APPROVED JANUARY 5, 1844.]

Repeal of road tax as to Washington, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the fourth article of the sixteenth chapter of the revised statutes of 1843 which authorizes and requires the board of county commissioners to assess a highway tax on all real estate, not exceeding ten cents on each one hundred dollars of the appraised value, be and the same is hereby repealed so far as relates to the counties of Washington and Jackson.

Supervisors to call out hands.

SEC. 2. That the supervisors on the several road districts within said counties of Washington and Jackson be and they are authorized to call out all hands within their respective districts as often as they may think the road requires it, not to exceed six days in each year.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XCIV.

An Act extending the benefit of the valuation laws to judgment debtors to the surplus revenue, and giving additional time to such persons for the payment of the same.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any person or persons against whom a judgment is rendered upon any surplus revenue bond, may replevy the same for the term of one year from and after the first day of April, 1844, by the judgment defendant or defendants, giving good and sufficient freehold security to the acceptance of the clerk of the circuit court in which said judgment was rendered, or to the acceptance of any justice that may have rendered any such judgment or his successor in office.

SEC. 2. If the auditor of any county in which said judgment was rendered becomes apprehensive that any such replevin bail is insufficient to secure such judgment, he shall immediately give notice to the proper authority of such facts, whereupon execution shall immediately issue on such judgment until the judgment defendant or defendants shall give other and additional bail to the acceptance of the auditor of said county; and nothing in this section shall be construed so as to release the first replevin bail.

SEC. 3. The act approved February 11, 1843, to amend an act entitled "An act supplemental to an act subjecting real and personal property to execution," approved January 8, 1842, be extended to all executions issued upon judgments and decrees rendered upon surplus revenue bonds; and all acts and parts of acts coming within the purview of this act be and the same are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XCV.

An Act to reduce the salary of the clerk of the state prison.

[APPROVED JANUARY 13, 1844.]

Salary.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the salary of the clerk of the state prison shall be six hundred dollars per annum, to be paid as provided in the several acts for the regulation of the state prison.

SEC. 2. This act to be in force and take effect from and after its passage.

CHAPTER XCVI.

An Act to abolish the office of county auditor in the county of Warrick

[APPROVED JANUARY 13, 1844.]

Clerk to do duties of county auditor.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of the clerk of the circuit court of the county of Warrick to do all the business of the office of county auditor, who shall receive any sum for his services not exceeding two hundred dollars, at the discretion of the board doing county business.

Bond.

SEC. 2. That the said clerk of the circuit court shall, at the next session of the board doing county business, make and execute his bond with sureties, to be approved of by said board, in the same sum and with the same conditions and in the same manner as is now required by law of county auditors.

Board to appoint in case clerk fails to give bond.

SEC. 3. That if said clerk shall fail or refuse to execute his bond, as above provided, the said board shall declare the office of auditor of said county vacant, and shall proceed forthwith to fill the vacancy, according to the laws now in force.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XCVII.

An Act amending the criminal law.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section one hundred and eleven, chapter fifty-three, revised statutes of 1843, in reference to the disinterment of dead bodies, be and the same is hereby amended by the addition of the following words to said section, to-wit: "Or imprisoned in the county jail or state prison at hard labor, for any determinate period of time in the sound discretion of the court or jury trying the same."

Disinterment of dead bodies.

SEC. 2. That section five, chapter one hundred and four general acts of 1841, in reference to malfeasance in office shall be continued and deemed the law of the land, notwithstanding the omission to incorporate the same in the revised statutes of 1843; and in framing indictments under said section, no other statement of the breach of the official bond shall be required than a simple averment that the offence described is a breach of the bond.

Act continued in force.

CHAPTER XCVIII.

An Act to amend the fifteenth chapter of the revised statutes of Indiana, and repeal the eighty-third and ninety-eighth sections of the same.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sums retained in the county treasury under the operation of the eighty-first and eighty-second sections of the fifteenth chapter shall not be added to the sum to be distributed among the townships at the next semi-annual dividend, but shall be retained for the use and benefit of the township originally entitled to draw the same, and in case the same is not drawn, to be expended for school purposes within such township; after having been retained six months, it shall be re-loaned from year to year as other school funds are loaned by law for the exclusive use and benefit of said township.

Amendment to 15th chapter revised stat.

District failing to support a school, funds not to be divided among other districts.

SEC. 2. If any school district shall fail for one year, after the number of children therein of the proper age shall be over twenty-five, to support a district school for at least three months, the sum so loaned with its interest shall not be divided among the other districts or persons, but shall continue to be loaned out by the school commissioner, as provided for in the ninety-seventh section of the fifteenth chapter of the revised statutes, until the same shall be demanded by such district for building or purchasing a school house, or for the support of a district school.

Repeal.

SEC. 3. The eighty-third and ninety-eighth sections of the fifteenth chapter of the revised statutes be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAPTER XCIX.

An Act to extend the jurisdiction of justices of the peace.

[APPROVED JANUARY 13, 1844.]

Jurisdiction between partners.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the jurisdiction of justices of the peace shall extend to all matters of account between partners, where the amount in controversy does not exceed the sum of one hundred dollars, subject to the same rules and regulations as in other cases.

Party to give evidence.

SEC. 2. Whenever any suit shall be brought under the provisions of this act it shall be lawful for either party to swear and make a witness of the opposite party, who shall be compelled to give testimony in said cause, and to disclose all that he may know touching the matters in controversy.

Same.

SEC. 3. When either party shall be sworn and compelled to testify as aforesaid, all his testimony in relation to the matters in issue shall be considered as well for as against himself, the court or jury before which said cause may be tried judging of his credibility as of other witnesses, and the party calling his adversary as aforesaid, may disprove his testimony by other witnesses, and proceed with his cause in like manner as in other cases.

CHAPTER C.

An Act to amend an act entitled an act providing for the incorporation of towns.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That if in any election for trustees in any incorporated town in this state two or more persons shall have an equal number of votes, there shall be a new election; and all incorporated towns in this state are hereby empowered to provide by ordinance for holding the same.

Election of trustees.

CHAPTER CI.

An Act relative to the establishment of ferries.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases where ferry license shall have been granted to any one owning or claiming the land on only one side of said stream or river, within any county in this state, it shall be lawful at any time for the person or persons owning the same on the opposite side of said stream or water course, to give bond to the board doing county business in such manner as is required by law, for the keeping a ferry, to take possession of the ferry on his, her, or their side the stream to the opposite bank, and have and possess all the privileges of a ferry keeper across the same, to transport passengers from his side to the opposite side with mutual privileges of landing with the ferry man on the other side.

Privilege of persons owning land on the opposite side of a stream from an established ferry.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CII.

An Act changing the time for the payment of taxes.

[APPROVED JANUARY 15, 1844.]

Time changed. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the word "December," where it occurs in the fifty-fourth, fifty-sixth, and sixtieth sections of chapter twelve of the revised statutes of 1843, be stricken out and January inserted in its place.

Same. SEC. 2. That the word "January" where it occurs in the sixty-eighth and sixty-ninth sections of the same chapter, be stricken out and February inserted in its place.

Same. SEC. 3. That the word "August" where it occurs in the forty-fourth, the fiftieth and fifty-third sections of the same chapter, be stricken out and September be inserted instead thereof.

SEC. 4. This act shall take effect and be in force from and after the first Monday in August next.

CHAPTER CIII.

An Act supplemental to the twelfth article of the fortieth chapter of the revised code of 1843.

[APPROVED JANUARY 15, 1844.]

Scire facias against replevin bail in case of the death of defendant before issuing of fi. fa. SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That when it shall so happen that execution of any judgment rendered or hereafter to be rendered by any justice of the peace shall have been stayed by the entry of replevy bail and the judgment defendant shall have died before the issuing of a *fieri facias* for the execution of said judgment, it shall be lawful for the plaintiff to issue a *scire facias* against the replevy bail, and such proceedings shall be had thereon as if a *fieri facias* had issued on such judgment against the goods and chattels of the defendant, and a return made thereon by the proper officer, that no goods and chattels could be found to satisfy the same.

CHAPTER CIV.

An Act defining the duties of Justices of the Peace in Owen county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any justice of the peace in Owen county issuing a summons in any civil suit against any person other than citizens of his own township, knowing the defendant lives in another township, and there is an acting justice of the peace in the township where the defendant lives, shall be fined in the sum of three dollars, to be recovered by the defendant before any justice of the peace having jurisdiction of the same, by the defendant making the proper proof that he was a resident of a different township in which the summons was issued.

SEC. 2. The justice of the peace trying the cause shall be governed in all respects by the laws now in force regulating civil suits.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CV.

An Act to transfer the books and papers, &c. of the office of Agent of the town of Indianapolis, and the books, papers, &c. of the Michigan Road Commissioner to the office of State Auditor.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all the books, papers, maps, and furniture of every kind of the office of agent of Indianapolis, and of the office of commissioner of the Michigan road, be and they are hereby transferred to the auditor of state's office.

SEC. 2. The persons having charge of said books, papers, maps, and furniture, who may now be acting as such officers, are hereby required, on being notified by the state auditor, to deliver the same to his order.

Auditor to sell
Michigan road
lands.

SEC. 3. The auditor of state is hereby vested with all the powers as to selling and giving certificate of purchase to purchasers of Michigan road lands which is conferred on the Michigan road commissioner in "An act concerning the Michigan road scrip, Michigan road lands, and for other purposes," approved February 4, 1831, (page 114 of acts of 1831.)

Purchase money and patent

SEC. 4. That purchasers of any of the remaining tracts yet unsold, shall pay the purchase money to the treasurer of state, and upon the filing of his receipt with the auditor of state said purchaser shall receive a proper certificate therefor, upon which the secretary of state shall issue a patent, as in other cases of patenting Michigan road lands.

Minimum price of land.

SEC. 5. The minimum price of any Michigan road lands yet unsold is hereby fixed at the rate now fixed by law, that is to say, sixty-two and one half cents per acre, in such funds as are receivable for public dues at the state treasury.

Payments for lots in Indianapolis and patent.

SEC. 6. All final or partial payments for lots in Indianapolis shall hereafter be made to the state treasurer upon the statement of the auditor, and the final certificate of the auditor of state shall authorize the secretary of state to issue a patent therefor.

Auditor to make register, &c.

SEC. 7. It shall be the duty of the state auditor to make out a full and complete register of patents for lots sold in Indianapolis, and that he make out a copy thereof to be filed in the secretary's office; and he shall be careful to note all discrepancies, errors in description, or names of purchasers, double sales or omissions of sales, and vacant lots, for which he shall be entitled to such compensation as the governor may, upon an examination of the work, deem just and reasonable, payable out of the Indianapolis fund.

Report errors to General Assembly.

SEC. 8. The state auditor shall report all such errors in the sales of lots in Indianapolis as named in the preceding section, to the next General Assembly.

SEC. 9. This act to take effect and be in force from and after its passage.

CHAPTER CVI.

An Act to amend a certain act therein named.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "An act to authorize the removal of the obstructions to the free passage of the water down Little Blue river, in Rush and Shelby counties," approved February 15, 1840, be and the same is hereby so amended as that hereafter no person shall be liable to work on said stream except those freeholders through whose real estate the said Little Blue river passes.

Persons liable work on Little Blue river.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CVII.

An Act for the relief of justices of the peace.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That chapter sixty-seven revised statutes of 1843, as to the application of certain funds to purposes of education, be and the same is hereby so amended as not to require any justice of the peace to file the affidavit contemplated by the second section of said chapter, when he has no fees in his hands subject to be paid over for school purposes.

Amendment to revised statutes.

SEC. 2. The several prosecutors of this state are hereby directed to enter a *nolle prosequi* of all indictments now pending for failing to file the affidavit by the preceding section contemplated, in case the defendant consents that a judgment may be rendered against him for the costs that may have accrued.

Direction to prosecutors.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER CVIII.

An Act to restrict the session of the grand jury to three days at each term of the Hancock circuit court.

[APPROVED JANUARY 15, 1844.]

Term of grand jury restricted.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That each and every session of the grand jury of the Hancock circuit court shall be restricted to three days term, except where the court shall give longer time to said jury, but such leave shall only be extended where it is necessary to investigate a case the punishment of which is either death or imprisonment in the state prison; and the per diem pay of the said grand jurors shall be seventy-five cents each, and to be paid in the manner now provided by law.

Compensation

Compensation to petit jurors.

SEC. 2. Each petit juror of the Hancock circuit and probate courts shall receive for his services the sum of thirty-seven and one half cents for each trial, which shall be taxed against the losing party, or be taxed against the party as in certain cases provided for by law; and any law providing for the payment of said petit jurors by the county of Hancock, is hereby repealed, so far as relates to said county: *Provided*, that the grand jury of the counties of Monroe, Owen, and Randolph, shall be governed by the first section of this act, but the petit jurors in said counties shall be governed by the laws now in force; that the grand jury of Madison county may sit four days instead of three days, as is provided in the first section of this act, and the petit jury of Madison county shall be governed by the provisions of this act.

Proviso as to Owen, Monroe and Randolph.

Madison co.

Part of act cont'd. in force

SEC. 3. The act approved February 13, 1841, entitled "An act defining the manner of selecting petit jurors in Hancock county," or so much thereof as does not conflict with the provisions of this act is continued in force.

Repeal.

SEC. 4. All acts and parts of acts as come within the purview of this act, are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage, and shall be given in charge to the grand jury by the court.

CHAPTER CIX.

An Act to provide for the appointment of township assessors in certain counties therein named, and defining their duties.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be appointed by the boards doing county business in the counties of Washington and Owen, on the first Monday in March annually, an assessor for each civil township, who shall hold his office until his successor is appointed and qualified, and shall do and perform all such duties as now are or hereafter may be required of assessors by law.

Washington and Owen.

SEC. 2. That the township assessor previous to entering on the duties of his office shall give bond, with good and sufficient security to the acceptance of the board doing county business, or in vacation to the county clerk, in the penal sum of two hundred and fifty dollars, payable to the state of Indiana, and conditioned for the faithful and impartial discharge of the duties of his office, according to law, and shall take and subscribe an oath or affirmation to be endorsed on his bond, that he will faithfully and impartially discharge the duties of his office to the best of his skill and ability, and the bond so endorsed shall be deposited with the county clerk, and by him carefully preserved.

Bond and oath

SEC. 3. That if any township assessor shall not give bond and security, or shall not take the oath or affirmation as required in the preceding section on or before the second Monday in March next after his appointment, his office shall be considered vacant, and the county clerk shall then fill such vacancy by appointment, which said appointment and the proceedings thereon he shall lay before the board at their next meeting thereafter, and should any vacancy or vacancies occur by death, resignation, or otherwise, the same shall be filled as is heretofore provided in this section.

Vacancy.

SEC. 4. Whenever such vacancies occur, and are filled as herein before provided, the person so appointed to fill such vacancy shall give bond and take the oath or affirmation, as is provided in the third section of this act.

SEC. 5. That if any assessor shall be guilty of neglect of any duties now prescribed by law, or may hereafter be prescribed, such assessor shall, upon presentment or in-

Penalty for neglect of duty

dictment, be fined in any sum at the discretion of the jury or court trying the same, for the use of the proper county seminary.

Meet tax pay-
ers.

SEC. 6. The assessors appointed as provided in this act shall on the first Monday and Tuesday in April, in each year, meet the tax payers of their townships at the usual place of holding elections in such townships, and the assessor shall there receive a list of the assessable property of each person liable to pay taxes in the said township: *Provided, however*, that any tax payer may, at any time between the aforesaid second Monday in March and the first Monday in May, hand in under oath to the assessor a list of his taxable property, which oath shall be administered by the assessor.

Assessor to
visit house of
tax payer, &c.

SEC. 7. Should any tax payer neglect or refuse to hand in a list of his taxable property, as is provided in the sixth section of this act, before the said first Monday in May, then the assessor shall visit the house or houses of such tax payer or tax payers and then take a list of his, her or their taxable property, charging each one so having neglected fifty cents, which shall be collected by the county treasurer for the use of said assessor, in the mode prescribed by law for the collection of taxes.

Compensation

SEC. 8. Each township assessor shall receive for each day's service, as is provided in the sixth section of this act, one dollar per day, and shall be exempt during the year from working on the roads: *Provided*, that should any county board in their discretion deem two days less than sufficient, they are hereby authorized to prescribe the number, and allow the assessor accordingly.

Repeal.

SEC. 9. All acts or parts of acts coming within the purview of this act are hereby repealed; and it is hereby made the duty of the Secretary of State to forward a copy of this act to each of the clerks of the counties named in the first section of this act as soon as possible after the passage of this act.

SEC. 10. This act to take effect and be in force from and after its passage.

CHAPTER CX.

An Act to reduce the prices paid for ferriages in Lawrence county.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the prices paid for ferriages across the east fork of White river in Lawrence county, shall be as follows, (so far as relates to the citizens of said county) to-wit: For man and horse five cents; for wagon and four horses twenty-five cents; for wagon and six horses thirty cents, and for wagon and two horses fifteen cents.

SEC. 2. That the provisions of this act shall only apply to the citizens of Lawrence county.

SEC. 3. This act to take effect and be in force from and after its passage, and that all laws or parts of laws contravening the provisions of this act, are hereby repealed, so far as relates to the citizens of Lawrence county.

CHAPTER CXI.

An Act in relation to tavern licenses in Hancock and Carroll counties.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for the boards of commissioners of Hancock and Carroll counties to grant tavern licenses in all cases when they may think the public good requires it, on the application of any person in the said counties.

SEC. 2. That the said boards are and shall be the sole judges of the amount of money such applicant shall pay for such license, which such applicant shall pay into the county treasury, as under the present law.

SEC. 3. That all laws which fix the amount of such license at not less than twenty-five dollars, be and the same are hereby repealed.

SEC. 4. This act shall be in force from and after its passage.

CHAPTER CXII.

An Act relating to proof of title to state lands.

[APPROVED JANUARY 6, 1844.]

Evidence of title.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever in any suit, action, or other proceeding at law or in equity, in any court in this state, it shall be necessary to prove title in the state, to any lands or lots whatever, the certificate of the auditor of state, describing such lands or lots and certifying that the same belong to the state of Indiana, shall be deemed and taken by such court as sufficient evidence of the right and title of the state of Indiana thereto; and unless the same shall be proven to be the property of, and to belong to, some other person or persons, shall be conclusive evidence of the full title and right of the state thereto, and to the possession thereof.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXIII.

An Act amending the ninetieth section of the twelfth chapter, article seven, of the revised statutes of 1843, so far as the same relates to certain counties therein named.

[APPROVED JANUARY 15, 1844.]

Delinquent list how published

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the delinquent list in each county shall be published, by posting up a copy of the same in each county commissioner's district, unless the same can be published in the proper newspaper in such counties where printed notice is now required by law, for an aggregate sum of not exceeding seventy-five dollars, at the discretion of the board doing county business.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXIV.

An Act to restrict the assessment of a poll tax within the county of Spencer.

[APPROVED JANUARY 5, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of raising a county revenue in and for the county of Spencer, the board doing county business for said county shall not assess a tax upon polls in said county at a higher rate than double the amount assessed upon polls within said county for state purposes. Poll tax for county purposes.

SEC. 2. This act to take effect from and after its publication in the Indiana Herald, which publication shall be at the expense of said county of Spencer.

CHAPTER CXV.

An Act to amend an act entitled "An act providing for the summoning and empannelling jurors in the counties of Delaware, Grant, Franklin, Scott, Floyd, and Union," approved January 23, 1843.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the board doing county business in the county of Floyd to cause to be selected from the list of reputable freeholders or householders resident in said Floyd county the names of fifteen grand jurors and twenty-four petit jurors, for each and every term of the circuit court to be holden in said county. Floyd county.

SEC. 2. The board doing county business in said county shall be governed in all respects as heretofore, so far as provided for in the first section of this act.

SEC. 3. All acts or parts of acts coming within the purview of this act be and the same are hereby repealed, so far as the same relate to said county of Floyd. Repeal.

SEC. 4. This act to take effect and be in force from and after its passage, and a duly certified copy thereof is filed in the auditor's office of said Floyd county.

CHAPTER CXVI.

An Act to change the mode of selecting petit jurors in and for the county of Blackford.

[APPROVED JANUARY 13, 1844.]

Petit jury, how selected.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter at each term of the Blackford circuit court in each case to be tried by a jury, it shall be the duty of the sheriff of said county or other officer under the direction of the court, to select from among the citizen householders or freeholders of said county, twelve jurors to try such case.

Repeal.

SEC. 2. All acts coming within the purview of this act, in and for the county of Blackford, are repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXVII.

An Act to postpone the sale of lands forfeited to the common school and saline funds.

[APPROVED JANUARY 15, 1844.]

Sale of lands forfeited to school fund suspended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of sale of lands forfeited by the common school fund for the non-payment of interest shall be suspended until January, 1845, and the benefits of the provisions of this act be and the same are hereby extended to the purchasers of saline lands.

Saline lands.

Terms of redemption

SEC. 2. That the holders of said lands shall be permitted to redeem said lands within the above named time, by paying the usual interest and costs of suit, advertisements, &c.

SEC. 3. This act to take effect and be in force from and after its publication in the Indiana Journal and State Sentinel newspapers, printed in the town of Indianapolis; and all laws and parts of laws contravening the provisions thereof be and the same are hereby repealed.

CHAPTER CXVIII.

An Act to provide for a more uniform mode of doing township business in the county of Hamilton.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled ^{Act of 1838 extended.} "An act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17, 1838, be and the same are hereby extended to the county of Hamilton.

CHAPTER CXIX.

An Act to change the mode of selecting petit jurors in the county of Lawrence, and for other purposes.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of the board doing county business in the county of Lawrence to select the names of fifteen reputable householders of said county as petit jurors for each term of the circuit court of said county, who shall serve during the term for which they are selected or until discharged by the court. ^{Board of commissioners to select jurors.}

SEC. 2. That the grand and petit jurors in the county of Lawrence shall be allowed the sum of one dollar per day for every day they may serve as such, to be paid out of the county treasury. ^{Compensation}

SEC. 3. That the third section of an act entitled "An act to change the mode of selecting jurors in Lawrence county, and for other purposes," approved January 29, 1842, be and the same is hereby repealed. ^{Repeal.}

SEC. 4. All acts and parts of acts contravening the provisions of this act be and the same are hereby repealed, so far as the county of Lawrence is concerned. ^{Repeal.}

SEC. 5. This act to take effect and be in force from and after filing a certified copy of the same in the clerk's office of said county.

CHAPTER CXX.

An Act repealing all laws now in force providing for a more uniform mode of doing township business in Miami county.

[APPROVED JANUARY 15, 1844.]

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all laws now in force providing for a more uniform mode of doing township business in the county of Miami, be and the same are hereby repealed: *Provided*, that it is hereby made the duty of the several township treasurers in said county to settle with the county auditor of said county within ninety days from the passage of this act, for all moneys, securities and property which has or may come into their hands by virtue of their offices, and within the same time pay over and deliver to the proper officer such moneys, securities, and property, to be disposed of and distributed as other school funds; for which moneys, securities, and property, so paid and delivered, said treasurers shall take a receipt and file the same with the said county auditor.

Proviso.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXXI.

An Act extending the provisions of a certain act therein named to the county of Spencer.

[APPROVED JANUARY 15, 1844.]

Acts extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled "An act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17, 1838, and also an act to amend said act, approved February 11, 1843, be and the same are hereby extended to the county of Spencer.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXII.

An Act extending certain laws therein named to the county of Randolph.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled "An act to provide for a more uniform mode of doing township business in the several counties therein named," approved February 17, 1838, and an act entitled an act to amend the said act, approved February 11, 1843, be and the same are hereby extended to the county of Randolph.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXIII.

An Act to change the time of holding probate courts in the county of Martin.

[APPROVED JANUARY 5, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the probate courts of the county of Martin shall be holden on the first Mondays of February, May, August, and November, instead of the second Mondays thereof. All processes of every description issued, served or executed, with a view to said court's being held at a time different from that herein provided, shall be taken and construed in all things as having reference to the provisions of this act, and shall be valid in all respects as they would be were no change herein created.

SEC. 2. This act to take effect from and after its passage, and the Secretary of State shall forward a certified copy of this act to the clerk's office of said county.

CHAPTER CXXIV.

An Act to provide for summoning petit jurors in the Lagrange circuit and probate courts.

[APPROVED JANUARY 15, 1844.]

Mode of select- SECTION 1. *Be it enacted by the General Assembly of the*
ing petit jurors *State of Indiana*, That hereafter petit jurors shall be selected and summoned to serve as such in the Lagrange circuit and probate courts in the following manner, to-wit: Whenever there may be an issue joined between parties in said courts, the sheriff shall, by order of the court, summon twelve reputable freeholders or householders of said county having the qualification of jurors according to the existing laws of this state.

Same. SEC. 2. The said sheriff in summoning jurors under the provisions of this act, shall not summon exceeding four jurors from any one civil township, without the consent of both parties, and either party shall have a right to challenge peremptorily five jurors.

Penalty for failing to attend as a juror SEC. 3. Any person who shall fail to attend and serve as a juror, who shall have been summoned as aforesaid, such person shall be liable to the same penalty that is prescribed by law against delinquent grand and petit jurors.

Jury fee, &c. SEC. 4. The clerks of said courts shall tax a jury fee in all cases of six dollars against the party losing the case, and seventy-five cents sheriff's fee, for summoning each panel of jurors aforesaid.

Compensation SEC. 5. The clerk shall certify to the auditor the time each juror may have been detained in trying issues in said courts, and the board doing county business shall allow to jurors summoned under the provisions of this act, one dollar per day, or in that proportion, and also one dollar per day to the grand jurors of said circuit court.

SEC. 6. This act to be in force from and after its passage.

CHAPTER CXXV.

An Act extending the provisions of an act entitled an act to amend an act entitled "An act to provide for a more uniform mode of doing township business in the several counties therein named," approved February 17, A. D. 1838, approved February 11, A. D. 1843, to the county of Kosciusko.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the* Kosciusko. *State of Indiana*, That the provisions of the above recited act be and the same are hereby extended to the county of Kosciusko.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXVI.

An Act to provide for summoning grand and petit jurors in Decatur and Warren counties.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the* Grand jury. *State of Indiana*, That hereafter there shall be drawn by the board doing county business and summoned only fifteen jurors to serve as grand jurors at each term of the circuit court of the counties of Decatur and Warren.

SEC. 2. Hereafter at each term of the circuit and pro-Petit jury. bate courts, in each case to be tried by a jury, it shall be the duty of the sheriff of said counties under the direction of the court, to select from among the citizens householders or freeholders of said counties twelve jurors to try such case, who shall be subject to the same obligation, and in all things governed in the same manner as petit jurors are subject to and governed, any law to the contrary notwithstanding.

SEC. 3. In any case to be tried by such jury where the Peremptory right of peremptory challenge has heretofore been limited challenge. to three jurors, each party shall hereafter have the right to challenge eight jurors peremptorily.

SEC. 4. All acts contravening the provisions of this act Repeal. are hereby repealed.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CXXVII.

An Act repealing so much of an act entitled "An act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17, 1838, so much as relates to the county of Clay.

[APPROVED JANUARY 15, 1844.]

Repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the act entitled "An act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17, 1838, so far as the same relates to the county of Clay, be and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXVIII.

An Act to change the time of holding probate courts in Dubois county.

[APPROVED JANUARY 5, 1844.]

May and Nov.
terms.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the May and November terms of the probate court in Dubois county shall hereafter be held on the third Mondays of each month above mentioned.

Pending
matters.

SEC. 2. That all matters that are now or that may hereafter be pending in said court, shall be conducted in all respects in conformity to the provisions of the first section of this act.

SEC. 3. This act shall take effect and be in force from and after the first day of June next.

CHAPTER CXXIX.

An Act to require the superintendents on the lines of public works to furnish the auditor of state with a list of tolls.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the superintendents on the several lines of public works in this state to furnish the auditor of state with a list of tolls charged on the respective lines to which they have been elected or appointed, and that the auditor be required to give a statement of the same in his annual report to the General Assembly; and that a list of tolls be retained in his office for the inspection of all persons who may wish to examine the same.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXX.

An Act declaring a misprint in the revised statutes of 1843.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the words "section one hundred and twenty-one, of chapter fourteen," in the first and second lines of page two hundred and fifty-five, revised statutes of 1843, are hereby declared to be a misprint, and the same shall hereafter be taken and deemed to mean "sections eighty-five and eighty-six of chapter fifteen."

SEC. 2. This act shall be in force from and after its passage.

CHAPTER CXXXI.

An Act continuing the means for the instruction of the deaf and dumb in this state.

[APPROVED JANUARY 15, 1844.]

Tax for deaf and dumb asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the law of the last General Assembly entitled "An act to provide means to support a deaf and dumb asylum in the state of Indiana," approved February 13, 1843, by which there was levied two mills on each one hundred dollars worth of property in this state, for the purpose of supporting a deaf and dumb asylum in this state, be and the same is hereby continued and re-enacted for the year 1844.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXII.

An Act to suspend the further issue of five dollar treasury notes in lieu of fifties.

[APPROVED JANUARY 13, 1844.]

Act suspended SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the act approved January 31, 1842, as authorizes the issue of five dollar treasury notes in redemption of the fifty dollar treasury notes now in circulation, be and the same is hereby suspended.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXXXIII.

An Act regulating the selecting grand jurors in the county of Randolph.

[APPROVED JANUARY 13, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the board of commissioners of Randolph county shall select but thirteen grand jurors for each term of the Randolph circuit court, instead of eighteen, as now provided by law.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXIV.

An Act to provide for changing the time of holding the probate courts in the county of Vanderburgh.

[APPROVED JANUARY 15, 1844.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate courts in the county of Vanderburgh shall hereafter commence on the second Mondays in February and August, and the third Mondays of May and November, and shall sit six days at each term, if the business thereof require it.

SEC. 2. This act to take effect from and after its passage.

CHAPTER CXXXV.

An Act to repeal the militia law.

[APPROVED JANUARY 15, 1844.]

1st and 2d sec.
of act of 1840
repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first and second sections of "An act for the better regulation of the militia of this state," approved February 24, 1840, is hereby repealed.

SEC. 2. This act to take effect from and after its passage and publication.

CHAPTER CXXXVI.

An Act to extend the time of holding probate courts in Dearborn county.

[APPROVED JANUARY 13, 1844.]

Length of term

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate courts of Dearborn county may continue in session nine days at each term if the business thereof require it.

SEC. 2. This act to take effect and be in force from and after its passage.

OFFICE OF SECRETARY OF STATE,
INDIANAPOLIS, FEBRUARY 28th, 1844. }

INDIANA, TO-WIT:

I do certify that I have compared the foregoing printed acts with the original rolls on file in my office, and found them correct, with the exception of the words included [thus] inserted to aid the sense.

WILLIAM SHEETS,
Secretary of State.

EXTRACT

From the report of the Auditor of Public Accounts, showing "the receipts and expenditures of the public money" for the year 1843.

No. 1. GENERAL REVENUE.

The amount of revenue remaining in the Treasury, provided all warrants audited up to 31st October, 1842, were paid,	-	-	-	\$600,460 00
1. The amount of revenue collected and paid by treasurers, the year ending October 31st, 1843,	-	-	-	213,716 66
2. The amount of arrears of taxes, 1837,	-	-	-	26 27
3. " " " 1839,	-	-	-	54 81
4. " " " 1840,	-	-	-	269 28
5. " " " 1841,	-	-	-	10,865 45
6. The amount paid by purchasers of lots in Indianapolis,	-	-	-	762 50
7. The amount paid by administrators of estates without known heirs,	-	-	-	620 32
8. The amount paid of incidental receipts,	-	-	-	111 21
9. The amount of treasury loans refunded,	-	-	-	247 54
10. The amount paid of interest on treasury loans,	-	-	-	369 25
11. The amount paid of common school fund derived from bank dividends,	-	-	-	59,243 44
12. The amount collected and paid as delinquent taxes of 1841,	-	-	-	15,683 34
13. The amount received on account of state library,	-	-	-	105 00
14. The amount collected and paid as delinquent taxes of 1842,	-	-	-	1,117 07
15. The amount of proceeds of sales of public lands to Indiana,	-	-	-	30,536 18
16. The amount of interest paid on loans of Indianapolis fund,	-	-	-	50 00
17. Refunded by borrowers of university fund,	-	-	-	6,572 39
18. Paid by borrowers of university fund as interest on loans,	-	-	-	4,118 72
19. Of damages on sales of lands mortgaged to university fund,	-	-	-	169 30
20. Of cost of advertising sales of land mortgaged to university fund,	-	-	-	\$35 00
21. Of sales of lands mortgaged to university fund,	-	-	-	3,127 56
22. Paid by commissioners of university townships of Gibson and Monroe,	-	-	-	1,465 14
23. Refunded by borrowers of saline fund,	-	-	-	1,440 90
24. Paid by borrowers of saline fund as interest on loans,	-	-	-	2,338 53
25. Paid by commissioners of saline lands,	-	-	-	1,058 17
26. Of forfeited lands mortgaged to saline fund, sold on credit,	-	-	-	1,421 07

27. Of cost of advertising sales of lands mortgaged to saline fund,	8 75
28. Received on account of internal improvements,	134,731 70
Total,	\$1,090,725 55

GENERAL DISBURSEMENTS.

By audited warrants drawn on the Treasury from 1st of November, 1842, to 31st of October, 1843, \$720,579 61

ITEMS OF EXPENDITURE.

1. Militia fines distributed,	\$35 00
2. Salaries of executive officers,	5,550 00
3. Electors, &c. of presidential election,	3 00
4. Estates without known heirs,	15 00
5. Supreme and circuit judges, (judiciary,)	20,464 21
6. Adjutant and quarter master generals,	225 00
7. Moneys refunded,	28 12
8. Salaries of prosecuting attorneys,	1,744 88
9. Public printing and distributing laws,	5,120 52
10. Probate judges,	4,671 00
11. Revenue of 1838 refunded to collectors,	29 45
12. Indiana state prison, (old prison,)	1,076 87
13. Specific appropriations,	4,815 99
14. Seat of government,	28 00
15. State library,	456 24
16. Expenses of state university,	1,076 07
17. Expenses of saline fund,	120 35
18. Expenses and repairs of state house,	600 10
19. Wolf scalp certificates,	4 00
20. Internal improvements,	14,403 50
21. Revenue of 1839 refunded to collectors,	51 82
22. Expenses of treasury notes,	120 17
23. Treasury notes redeemed and cancelled,	398,565 00
24. Interest on treasury notes redeemed and cancelled,	28,910 33
25. Five per cent. bank scrip redeemed and cancelled,	46,350 00
26. Interest on five per cent. bank scrip redeemed and cancelled,	315 76
27. Wabash and Erie canal scrip east of Tippecanoe, redeemed and cancelled,	64,871 79
28. Interest on Wabash and Erie canal scrip east of Tippecanoe cancelled,	4,746 97
29. Wabash and Erie canal scrip west of Tippecanoe redeemed and cancelled,	29,255 00
30. Expenses of treasury fund,	25 62
31. Expenses of congressional township fund,	1 50

32. Expenses of Indianapolis fund,	\$ 6 00
33. Revenue of 1840 refunded,	167 12
34. Stationary for state,	5,775 25
35. Revenue of 1841 refunded,	345 75
36. Expenses of Governor's house,	225 89
37. Delinquent taxes, 1841, refunded,	112 93
38. Indiana legislature,	39,842 28
39. New state prison,	16,077 50
40. Salaries of professors in state university,	9,737 00
41. Revenue of 1842 refunded,	338 53
42. Delinquent taxes, 1842, refunded,	2 97
43. Expenses of deaf and dumb,	200 00
44. Expenses of surplus revenue fund,	23 38
45. Expenses of bank tax fund,	37 78
46. Incidental receipts refunded,	27 77
47. Loans of state university fund,	8,635 89
48. Lands mortgaged to state university fund, not sold for want of bidders,	1,519 79
49. Damages on sales of lands mortgaged to state university fund,	46 80
50. Loans of saline fund,	2,021 07
51. Damages on sales of lands mortgaged to saline fund,	57 50
52. Expenses of contingent fund,	1,737 15

Total audited within the year ending Oct. 31st, 1843, \$720,579 61

The balance in the Treasury on 31st October, provided all warrants audited are paid, 370,145 94

\$1,090,725 55

To which should be added the following warrants, outstanding October 31st, 1843, viz:

No. 6332. Revenue of 1841, and Nos.	\$21 81
No. 6516. Specific,	180 00

\$201 81

Outstanding warrants—Internal Improvements.

Warrants issued and outstanding for construction of Madison and Indianapolis Railroad, viz:

Warrants No. 94 to 364,	\$24,992 82
Warrants No. 365 to 388,	1,179 86
Warrant No. 419,	38 22
Warrants No. 431 to 459,	3,500 00
Warrants No. 462 to 468,	345 40
Warrants No. 469 to 486,	756 25
Warrants No. 487 to 523,	2,207 09
Warrants No. 524 to 546,	1,393 27
Warrants No. 548 to 566,	1,530 00

Warrants No. 567 to 585, - -	\$1,094 56	
Warrants No. 587 to 609, - -	2,406 51	
Warrants No. 610 to 646, - -	1,860 45	
Warrants No. 648 to 652, - -	350 00	
Warrants No. 653 to 694, - -	1,832 85	
Warrants No. 695 to 805, - -	6,781 82	
Warrants No. 811 to 821, - -	2,276 44	
Warrants No. 822 to 905, - -	5,139 36	
Warrants No. 906 to 920, - -	720 56	
Warrants No. 922 to 947, - -	794 83	
Warrants No. 948 to 1030, - -	3,685 75	
Warrants No. 1031 to 1069, - -	3,541 37	
Warrants No. 1071 to 1114, - -	1,892 45	
Warrants No. 1115 to 1155, - -	1,970 84	
Warrants No. 1160 to 1198, - -	2,617 01	
Warrants No. 1199 to 1236, - -	1,357 16	
Warrants No. 1257 to 1338, - -	6,318 81	
Warrants No. 1342 to 1428, - -	9,112 55	
Warrants No. 1444 to 1492, - -	1,068 52	
		90,764 75
Warrants issued and outstanding for damage to right of way of White Water canal:		
Warrants Nos. 390 to 407, - -	853 32	
		853 32
Warrants issued and outstanding for construction of Eel River Cross-cut canal:		
Warrants Nos. 1237 to 1256, - -	1,870 00	
		1,870 00
Warrants issued and outstanding for damages to right of way of Eel River Cross-cut canal:		
Warrants No. 416, and Nos. 420 to 424, - -	853 89	
		853 89
Warrant issued and outstanding on account of incidental expenses of Wabash and Erie canal east of Tippecanoe:		
Warrant No. 1432, - - - -	6 00	
		6 00
Total amount outstanding warrants internal improvement, - - - -	94,347 96	
Actual amount in the Treasury, Nov. 1st, 1843,	\$464,695 71	

INDEX.

A		AUCTIONEERS.	
AGENT OF INDIANAPOLIS.		License of in city of Fort Wayne, - - -	49
Books of, transferred to Auditor of State, - - -	103	AUDITOR, COUNTY.	
AGRICULTURE.		Office of, abol'd. in Owen, &c.	46
Act as to, in Delaware, &c. repealed, - - -	72	" " Carroll, - -	48
APPRAISEMENT.		Compensation of in Delaware and Grant counties, -	54
Of real estate, equalized in Elkhart, &c. - - -	62	Compensation of in Knox, reduced, - - -	58
APPROPRIATIONS.		Compensation of in Ripley, regulated, - - -	69
Act making general for 1844, " " specific " - - -	40 41	Compensation of in Randolph and Grant, - - -	78
ASSESSORS.		Duty of in certain counties, Salary of in Fountain county regulated, - - -	84 85
Further time given to, - - -	75	Of Hendricks county, to purchase real estate, -	91
Township assessors appointed in certain counties, - - -	107	Office of abol'd. in Warrick co. Delinquent list how published, -	98 110
ASTRAYS.		AUDITOR OF STATE.	
Money from sale of, transferred to school fund, -	86	Books of com'r. of Michigan road transferred to, -	93, 103
Discrepancy in the law corrected, - - -	93	Books of agent of Indianapolis transferred to, - - -	103
ASYLUM		Certificate of, evidence of title in the state to lands, -	110
For the education of the deaf and dumb, - - -	36	To be furnished with list of tolls, - - -	119
Revenue for the erection of a lunatic, - - -	50	B	
		BLUE RIVER.	
		(See Little Blue river.)	

C	COUNTY SEAT.	
CANALS.	Of Dearborn co. re-located,	7
Superintendent on W. and E. and his duty, - - -	COURTS, CIRCUIT.	
Relief of boatmen on W. and E.	Times of holding in 5th circuit,	15
Relief of settlers on canal lands,	" " 9th "	16
Fee for patents for canal lands abolished, - - -	Practice in the Allen regulated,	26
Assessment of canal lands,	Practice in, act relative to,	29
	Special sess. of the Switzerland,	31
	" " Jefferson,	30
	" " Vigo,	32
CONVEYANCES.	Time of holding in Tippeca- noe county, - - -	32
Acknowledged in open court,	Sessions of the grand jury in Hancock county, &c.	106
	Selection of jurors for Floyd county, - - -	111
COUNTY BOARDS.	Selection of jurors for Black- ford county, - - -	112
(See County Commissioners.)	Selection of jurors for Law- rence county, - - -	113
COUNTY BOUNDARIES.	Selection of jurors for La- grange county, - - -	116
Of Miami and Fulton, changed,	Selection of jurors for Deca- tur and Warren counties,	117
Between Clark and Floyd, to be run, - - -		
Between Warrick and Gibson established, - - -		
	COURTS, PROBATE.	
COUNTY COMMISSIONERS.	Time of holding in Martin co. changed, - - -	115
In Elkhart, &c., to equalize appraisement, - - -	Time of holding in Dubois co. changed, - - -	118
Compensation of, in Brown, &c., when acting as a b'd. of equalization, - - -	Time of holding in Vander- burgh co. changed, - - -	121
Quorum of the board of, in Owen county, - - -	Time of holding in Dearborn co. extended, - - -	122
Act for regulation of, in War- rick county, - - -		
Effect given to act to restrict in Allen &c., - - -	CRANBERRIES.	
Of Carroll, appointed semina- ry trustees, - - -	Act for protection of, -	79
Of Warrick county, to district the roads, &c. - - -		
Times of holding the sessions of the boards of, - - -	CRIME AND PUNISHMENT.	
	Pen'ty for disint'g dead bodies,	99
COUNTIES, NEW.	D	
(See New Counties.)	DEAF AND DUMB.	
	Asylum for the education of,	36
	Means for instruction of,	120

DEARBORN COUNTY.		Act relative to the estab't. of, 101	
Seat of justice of, re-located,	7	Rates of ferriage in Lawrence, 109	
DEEDS.		G	
		GRAND JURY.	
Acknowledgment of, in open court, &c. - - -	76	Subpœnas for witnesses before in Delaware county, - - - 54	
For school lands in Delaware, &c. how acknowledged,	76	GREENSBORO.	
DELAWARE COUNTY.		Sale of spirituous liquors restricted in, - - - 92	
Act as to agricultural improvements in, repealed, -	72	I	
E		INCORPORATION OF TOWNS.	
ELECTIONS.		Election of trustees in, - 101	
Additional place of holding in Pike county, - - -	46	INFIRMARY.	
Additional place of holding in Perry county, - - -	51	For boatmen on W. & E. canal, 33	
Additional place of holding in Vermillion county, -	52	J	
Additional place of holding in Washington county, -	53	JURORS.	
Of supervisors in Boone co.,	57	Term of grand jury in certain counties restricted, - 106	
Of certain officers <i>viva voce</i> ,	63	Manner of selecting and compensation, - - - 106	
Act confining voters in Lake co. to their t'p., repealed,	71	Grand and petit jurors for Floyd county, - - - 111	
Voters confined to their t'ps. in Adams and Jay, -	72	How selected in Blackford co. 112	
Of a school commissioner in Putnam county, -	89	Mode of selecting in Lawrence changed, - - - 113	
Of trustees in incorp'd. towns,	101	Mode of selecting in Lagrange, 116	
ESTRAYS.		Mode of selecting in Decatur and Warren, - - - 117	
(See Astrays.)		Mode of selecting in Randolph county, - - - 121	
EVIDENCE.		JUSTICES OF THE PEACE.	
Of title to lands belonging to the state, - - -	110	To be <i>ex officio</i> overseers of the poor, - - - 48	
F		Five to constitute quorum for co. business in Warrick, 70	
FERRIES		Jurisdiction of, between partners, - - - 100	
Part of act of 1831 repealed,	65		

<i>Scire facias</i> against replevin bail, &c. - - -	102	MERCHANTS.	Lien in favor of forwarding and commission, - -	38
Duties of, in Owen co. defined, - - -	103			
Act for relief of, - - -	105			
L		MICHIGAN ROAD.		
LICENSE.		Transfer of books of, - -	93, 103	
To auctioneers it Ft. Wayne, - - -	49	Minimum price of land, - -	103	
Act regulating the granting of in Adams, &c. - - -	63	MILITIA.		
Act as to, in Switzerland co. repealed, - - -	74	Act to organize, amended, - -	17	
Tavern license in Hancock and Carroll counties, - -	109	Part of act of 1840 repealed, -	122	
LIEN.		MISSISSINEWA RIVER.		
To be enforced by forwarding and commission merchants, -	38	Declared a public highway, -	75	
LIQUORS.		N		
Sale of proh'd. in Greensboro', -	92	NEW ALBANY & VINCENNES ROAD.		
LITTLE BLUE RIVER.		Act to reduce tolls on, - -	3	
Act of 1840 in relation to, amended, - - -	105	NEW COUNTIES.		
LOAN.		Ohio formed out of Dearborn, -	7	
Authorized to be negotiated, -	45	Tipton and Richardville org'd. -	10	
LUNATIC ASYLUM.		O		
Revenue for the erection of, -	50	OHIO COUNTY.		
M		Organized, - - -	7	
MALFEASANCE IN OFFICE.		OVERSEERS OF THE POOR.		
Act of 1841 in reference to, continued in force, - -	99	Justices to be <i>ex officio</i> overseers of the poor, - -	48	
MARKS AND BRANDS		P		
Act concerning, in Jay, Adams, &c. - - -	78	PARTNERS,		
MEDICAL INFIRMARY.		Jurisdiction of justices between, - - -	100	
For the benefit of boatmen on W. and E. canal, - -	33	PILOTS.		
		Part of revised statutes as to, at the falls of Ohio, repealed, -	77	
		POLL TAX.		
		Restricted in Spencer co., - -	111	

PRACTICE.		ROAD TAX.	
In circuit courts, act relative to, -	29	(See Tax.)	
PUBLIC HIGHWAY.		S	
Mississinewa declared, - -	75	SALARIES.	
PUBLIC WORKS.		Of governor and other officers reduced, - - -	13
Tolls on New Albany and Vincennes road, - - -	3	Of clerk of state prison, - -	98
Tolls on, to be reported to auditor of state, - - -	119	SALINE FUND.	
R		To be applied to com. schools, -	68
RELIEF.		Sale of lands forfeited to, postponed, - - -	112
Of boatman on W. & E. canal, -	33	SALINE LAND.	
Of settlers on canal lands, -	51	Com'r. of, in Orange county, appointed, - - -	80
Of Delaware and Grant co's., -	54	SCHOOLS.	
Of purchasers of school land, -	67	Saline fund applied to, - -	68
Of purchasers of school land in Delaware, &c. - -	77	SCHOOL FUND.	
Of purchasers of school land in Monroe county, - -	82	Act providing for the loaning of, in Vigo county, - -	66
Of justices of the peace, - -	105	Act for protection of, revived in part, - - -	74
REVENUE.		Money from sale of estrays, transferred to, - - -	86
For state purposes, &c. - -	50	Certain fund not to be distrib'd. -	99
Funds received to be reported, -	94	Sale of land forfeited to, suspended, - - -	112
REVISED STATUTES.		SCHOOL COMMISSIONER.	
Amended, 77, 93, 95, 96, 99, 102, [105, 110]		Duties of, vested in treasurers in Fayette, &c. - - -	67
Misprint in, corrected, - -	119	Election of, in Putnam co., - -	89
RICHARDVILLE COUNTY.		Sale of property on judgments against, in Hendricks co., -	91
Organized, - - -	10	SCHOOL LAND.	
ROADS AND HIGHWAYS.		Relief of purchasers of, - -	67
Tax for opening, in Hancock, -	54	Deeds for in Delaware, &c., acknowledgment of, - -	77
Election of superv's. in Boone, -	57	Relief of purch'rs of in Monroe, -	82
Act for opening, &c. in Gibson and Pike, amended, - -	59		
Improvement of in Allen, &c. -	79		
Tax for road purposes. (See Tax.)			
When to be districted in Warwick county, - - -	89		

SEMINARY TRUSTEES.

Mode of selecting in Lawrence, 59
Board of com'rs. of Carroll ap-
pointed, - - - 85

SEMINARY TOWNSHIP.

Part of act revived as to, in
Monroe county, - 74

SHEEP.

Act for preservation of, in
Jefferson, - - - 61
Act to improve the breed of, 64
Act for preservation of, in
Delaware county, repealed, 70

STATE AGENT

Act defining the duties of, 62

STATE LANDS.

What shall be evidence of title, 110

STATE PRISON.

Salary of clerk of, reduced, 98

ST. JOSEPH COUNTY.

Act as to agricultural improve-
ments in, repealed, - 72

SUPERVISORS.

Election of, in Boone county, 57
Duty of in Randolph county,
as to Mississinewa, - 75
Duty of, in Washington and
Jackson counties, - 96

SURPLUS REVENUE.

Valuation laws extended to
judgments on, - - 97

T

TAVERN LICENSE.

In the counties of Hancock
and Carroll, - - 109

TAX.

For state purposes, - 50
For road purposes in Hancock, 54
In relation to road tax in Elk-
hart county, - - 56
Speculators to pay a road tax
in St. Joseph and Randolph, 58
Appraisal of real estate
equalized in Elkhart, &c. 62
Act in relation to road tax
extended to Randolph, &c. 65
Act in relation to road tax
extended to Delaware, 71
Mode of expending road tax
in Whitley, &c. - 81
Road tax uniform in the coun-
ties of Fulton, &c. - 82
Act in relation to road tax in
the town of Laporte, - 88
Sale for, not valid against claim
of state on mortgage, - 96
Road tax repealed as to Wash-
ington and Jackson counties, 96
Time for paym't. of, changed, 102
Delinquent list how published, 110
Poll tax in Spencer county, 111
For deaf and dumb asylum, 120

TIPTON COUNTY.

Organized, - - - 10

TOLLS.

On New Albany and Vin-
cennes road, - - 3
List of, public works to be
furnished state auditor, 119

TOWNSHIP BUSINESS.

Act to provide for a uniform
mode, in Hamilton county, 113
Laws as to uniform mode of
doing in Miami, repealed, 114
Act as to uniform mode, ex-
tended to Spencer co., 114
Act as to uniform mode, ex-
tended to Randolph, 115

Act as to uniform mode, ex-
tended to Kosciusko, 117
Act as to uniform mode, re-
pealed, as to Clay county, 118

TREASURER, COUNTY.

To do duties of school com'rs.
in Fayette, - - 67
Duty of, as to kind of funds
received, - - 94

TREASURER OF STATE.

Salary of, - - - 13
Authorized to negotiate a loan, 45

TREASURY NOTES.

Treasurer authorized to hypo-
thecate, - - - 45
Revenue for the redemption of, 50

Issue of \$5 notes in lieu of \$50s
suspended, - - 120

V

VALUATION LAWS.

Extended to judgments on
surplus revenue, - - 97

W

WABASH AND ERIE CANAL.

(See Canal.)

WARRICK COUNTY.

Regulation of county board, 70

WILD FRUIT.

Act for protection of, - 79

